

# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division In Admiralty  
CIVIL ACTION NO. 2:24-cv-00490

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In the Matter of COEYMANS MARINE TOWING, LLC d/b/a  
CARVER MARINE TOWING as Owner and Operator of M/T  
MACKENZIE ROSE, (IMO No. 8968765), her cargo,  
engines, boilers, tackle, equipment, apparel, and  
appurtenances, etc., IN REM, ("M/T MACKENZIE ROSE"),  
petitioning for Exoneration from or Limitation of  
Liability in allision with Norfolk and Portsmouth

Belt Line Railroad Company Main Line Railroad Bridge  
(the "Bridge") occurring June 15, 2024 in and about  
the Elizabeth River, Virginia.

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TRANSCRIPT of the stenographic notes of the  
videotaped deposition of Brian Moore in the  
above-entitled matter, as taken by and before  
LORRAINE B. ABATE, a Certified Shorthand Reporter and  
Notary Public of the State of New York, and  
Registered Professional Reporter, held at the offices  
of Clyde & Co., 405 Lexington Avenue, New York, New  
York, on April 28, 2025, commencing at 10:44 a.m.,  
pursuant to Notice.

Job No. 112213

BRIAN MOORE

April 28, 2025

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BRIAN MOORE

April 28, 2025

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**BRIAN MOORE**

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\* \* \* EXHIBITS RETAINED BY COUNSEL \* \* \*

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2 THE VIDEOGRAPHER: This is the beginning  
3 of Media No. 1 in the deposition of Brian Moore,  
4 in the master of Coeymans Marine d/b/a Carver  
5 Marine Towing Line, Case No. 2:24-cv-00490.

6 Today's date is Monday, April 28, 2025,  
7 and the time in the monitor is 10:44 a.m.

8 My name is Ingrid Contreras, and I am  
9 the videographer. The court reporter is  
10 Lorraine Abate. We are here with Rosenberg and  
11 Associate, Inc.

12 All appearances are noted on the record.

13 Now the court reporter will swear in the  
14 witness.

15 B R I A N M O O R E,

16 Having been first duly sworn by a Notary  
17 Public of the State of New York, was  
18 examined and testified as follows:

19 EXAMINATION BY MR. CHAPMAN:

20 Q. Good morning, Mr. Moore.

21 **A. Good morning.**

22 Q. My name is Jim Chapman. I represent the  
23 Norfolk and Portsmouth Belt Line Railroad, and we're  
24 here today to ask you some questions related to the  
25 lawsuit that is currently pending as the subject of

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2 the limitation action file by your company in the  
3 Eastern District of Virginia.

4 I don't know -- have you ever been  
5 deposed before?

6 **A. No, I have not.**

7 Q. But just a couple of ground rules.

8 **A. Yep.**

9 Q. I'll do my best to ask questions that  
10 are clear, but if they're not, feel free to ask me  
11 for clarification and I'll endeavor to provide that.

12 **A. Okay.**

13 Q. It's good to maintain sort of good radio  
14 approach to this. Let me finish my question before  
15 you start answering, and I'll do my best to avoid  
16 interrupting you during your answer.

17 **A. Okay.**

18 Q. Is that okay?

19 **A. Very well.**

20 Q. Okay. Where do you currently live,  
21 Mr. Moore?

22 **A. I currently reside in Kingston, New**  
23 **York.**

24 Q. What is the street address there?

25 **A. 7 Fairview Avenue.**

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2 Q. And your date of birth?

3 **A. October 13th, 1982.**

4 Q. What's your current position with  
5 Carver?

6 **A. Current position is general manager.**

7 Q. So the company is known legally as -- I  
8 don't know how to pronounce it -- Coeysman?

9 **A. Coeymans Marine Towing.**

10 Q. Coeymans?

11 **A. Yeah, Coeymans.**

12 Q. Coeymans?

13 **A. Yep.**

14 Q. Okay. Thank you.

15 Coeymans Marine Towing --

16 **A. Yeah.**

17 Q. -- LLC, but it trades as Carver Marine  
18 Towing, correct?

19 **A. Correct.**

20 Q. Okay. So when I refer to Carver, I'm  
21 talking about Carver Marine Towing. Is that -- can  
22 we --

23 **A. Yes.**

24 Q. -- agree to that?

25 **A. Yep.**

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2 Q. All right. So -- I'm sorry. When did  
3 you say you started with Carver?

4 A. December -- you didn't ask that one. So  
5 December of 2022.

6 Q. And who did you work for before Carver?

7 A. I worked for Centerline Logistics.

8 Q. What did you do for them?

9 A. I was the director of Atlantic  
10 operations.

11 Q. So you said Atlantic operations?

12 A. Yes, sir.

13 Q. And how long were you with Centerline?

14 A. Approximately five years.

15 Q. I want to take it back before that.

16 A. Sure.

17 Q. Who did you work for prior to  
18 Centerline?

19 A. So I was a captain at Vane Brothers.

20 Q. Vane Brothers is in the towing  
21 business --

22 A. Yes, sir. Yep.

23 Q. -- oil?

24 A. Yep. Marine transportation for  
25 petroleum products.

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2 Q. All right. How long were you at Vane?

3 A. Also approximately five years.

4 Q. Do you start there as captain?

5 A. I started out for a couple months as a  
6 mate, and then transitioned over to a captain.

7 Q. Do you still hold a license?

8 A. It's in Coast Guard holdup, what they  
9 put on -- what do they call it? When you don't sail  
10 out anymore, you're put into -- not purgatory, but --

11 MR. RODGERS: Suspension?

12 A. No. Contingency? Not contingency.

13 Q. Inactive?

14 A. Inactive, yea. I don't know -- there's  
15 a word for it the Coast Guard uses, but it's -- yes,  
16 it's inactive, but on like ready reserve.

17 Q. When -- so what was the, I'll call it,  
18 the last expiration date of the license that's now  
19 inactive?

20 A. Oh, approximately a year and a half ago.

21 Q. And tell us what the license was.

22 A. Sure. So I hold a 200-ton masters of  
23 New York Coastal with a master of towing and limited  
24 first class pilotage for the Hudson River in New York  
25 Harbor.

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2 Q. Any other endorsements on it?

3 A. Able bodied seaman, but other than that,  
4 I did have STCW basic safety training, but I never --  
5 didn't need to take the class anymore, so I wasn't  
6 shipping out international.

7 Q. So just so everybody's clear, what does  
8 STWC stand for?

9 A. The standards -- S -- standard training  
10 something watch keeping. So it's an international  
11 standard set by whomever.

12 Q. Okay. It's an endorsement that you get  
13 on the license by virtue of training, correct?

14 A. Correct. So basic safety training is  
15 the endorsement that falls under the STCW.

16 Q. Who did you work for before Vane?

17 A. I worked with the Hudson River Pilots  
18 for approx -- just shy of two years.

19 Q. Is that like a harbor pilot position?

20 A. Yeah, Hudson River pilot. Yep.

21 Q. Guiding ships in --

22 A. Yes, sir.

23 Q. -- in and out, guiding ships in and out  
24 of the Hudson River?

25 A. Yes, sir.

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2 Q. How long was that?

3 A. Just shy of two years.

4 Q. Same license?

5 A. Yes.

6 Q. And before Hudson River Pilots, who did  
7 you work for?

8 A. I worked for K-Sea Transportation.

9 Q. And K-Sea is K-C --

10 A. Hyphen.

11 Q. -- K-C, the two letters, correct?

12 A. So it's K-S-E-A.

13 Q. S-E-A. I apologize.

14 A. Yeah.

15 Q. K-Sea. Doing what?

16 A. Chief mate and harbor and ocean-going  
17 tug and barge.

18 Q. When did you get your A/V ticket?

19 A. Early 2000s. I don't recall.

20 Q. Did you sail for anybody before K-Sea  
21 Transportation?

22 A. Not in a professional mariner sense. I  
23 shipped out in Norway for three months as like a  
24 cadet observer, in '99 to 2000, and then before that,  
25 it was just small, recreational boat stuff, sea tow,

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2 when I was in high school.

3 Q. So did you grow up in the United States?

4 A. Yes.

5 Q. It sounds like you went to a maritime  
6 academy over in Europe?

7 A. I did not. No. I was -- I'm a  
8 Hawespiher, so I started -- so on my 18th, my father  
9 took me down to the battery for the US Coast Guard  
10 Center, and I got my 100-ton license, I believe it  
11 was, and my ordinary seaman MMC, my Z card, and --  
12 that was October. And then by February, I started  
13 shipping out with K-Sea Transportation as an OS.

14 Q. Did your father sail?

15 A. He did not. My family in Norway sailed  
16 out --

17 Q. Okay. And you --

18 A. -- from my mother's side.

19 Q. So you described yourself as being a  
20 cadet for three months or so?

21 A. It's a -- more like -- it was a cadet  
22 observer. My -- sorry. My uncle was a chief  
23 engineer on board a European Norwegian-based ship.  
24 So I wasn't sure what I wanted to do in life as a 17,  
25 18-year-old kid, so they took me on for just shy of



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2 three months. I was still in high school at the  
3 time. And I rode with them, observed them to kind of  
4 see if I wanted to do deep sea or tugs and barges.

5 Q. Do you consider yourself more of a brown  
6 water guy --

7 A. Yes.

8 Q. -- than blue water?

9 A. Yeah.

10 Q. Okay. Your position as general manager  
11 with Carver, is that a salaried or hourly position?

12 A. It's salary.

13 Q. Who hired you?

14 A. Carver Laraway.

15 Q. Is that Mr. Carver Laraway?

16 A. Yeah, but it was by way of HR.

17 Q. Can you tell us what the duties of your  
18 position as general manager --

19 A. Sure.

20 Q. -- of Carver are.

21 MR. RODGERS: I'm sorry. At the time of  
22 the incident or now?

23 Q. Why don't we start with now, and then  
24 I'll ask if they're different, you can tell me how  
25 they're different. Okay?

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2 So just what are your duties now?

3 A. Sure. I oversee the day-to-day  
4 operations of Carver Marine Towing, working with my  
5 team that I have here in place to ensure that the  
6 daily activities are done, that the regulations and  
7 policies are complied with, that customer and  
8 business development is grown, and then also working  
9 interdepartmentally with the other divisions from the  
10 ports to other stevedoring to ensure that  
11 everything's done safely and efficiently throughout  
12 day-to-day operations.

13 Q. How many tugs does Carver Marine Towing  
14 operate?

15 A. Eight of them are going to be US Coast  
16 Guard inspected, and then we have two small, we call  
17 them, fleeting tugs that are 26 feet or less. Those  
18 are just based in the port to help support moving  
19 barges around from one side of the dock to the other.

20 Q. Kind of like push boats?

21 A. Exactly.

22 Q. Are the duties you have today different  
23 than the duties you had in June of 2024?

24 A. It's still the same.

25 Q. So I didn't hear you mention anything

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2 about safety, and if you did, I apologize, but I  
3 didn't -- I don't think I heard that.

4 Is that a responsibility that you have?

5 A. Yes. Yep. So compliance. I  
6 incorporate that with compliance and safety.

7 Q. All right. And how -- are there people  
8 at Carver Marine Towing that report directly to you?

9 A. Yes.

10 Q. Who are they, and what are their  
11 positions?

12 A. In -- today or during the incident?

13 Q. Let's focus on the incident that is back  
14 in June of 2024.

15 A. Okay. So I had a port captain, Lenny  
16 Baldassare. I had a port engineer, Christian  
17 Nunnaman.

18 Q. Can you spell that.

19 A. N-U-N-N-A-M-A-N.

20 Q. And it was Christian? Is it C-H-R-I?

21 A. Yes.

22 Q. I know that Mr. Baldassare isn't with  
23 the company anymore.

24 A. Yeah.

25 Q. Is -- I'm going to butcher the

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2 pronunciation. The port engineer, Christian  
3 Nunnaman?

4 A. Nunnaman.

5 Q. Nunnaman, is he still with the company?

6 A. Yes. He's in a different division right  
7 now, though.

8 Q. He's no longer with Marine Towing --

9 A. Yeah, correct. He's with the shipyard  
10 division.

11 Q. Who else in June of 2024 reported to  
12 you?

13 A. Had Thomas Feeney.

14 Q. And what was his position?

15 A. Operations and special projects manager.

16 Q. Ed or Edward Thomasini?

17 A. Say it again.

18 Q. His name is Ed --

19 A. Thomas.

20 Q. Oh, I'm sorry.

21 A. Yeah. First name is Thomas.

22 Q. Thomas. I misspoke. I misunderstood  
23 that.

24 A. Last name is Feeney, F-E-E-N-E-Y.

25 Q. Any other people that directly reported

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2 to you?

3 A. We had a fairly new hire, Jason Galioto,  
4 G-A-L-I-O-T-O.

5 Q. What was Mr. Galioto's position?

6 A. During that time, it was -- I hired him  
7 as a dispatch -- I'm sorry, correction. A logistics  
8 coordinator trainee and vetting.

9 Q. So he was responsible for, I'm sorry,  
10 training?

11 A. No. So he -- a logistics coordinator  
12 training. So almost like a fill-in dispatcher that  
13 would receive phone calls and work with customers in  
14 dispatching tugs.

15 Q. Did he have any other duties?

16 A. I say vetting, but that was more of a  
17 Coast Guard regulatory compliance, ABS compliance.

18 Q. Vetting of what?

19 A. Vetting of the vessels, like the  
20 paperwork that's associated with it.

21 Q. Just give me a for instance, what you  
22 mean by the paperwork.

23 A. Well, he's advanced. I've groomed him  
24 into a different role now, but at the time, he was a  
25 fairly new hire. So I don't recall his hire date,

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2 but I would have to look at it. But he was mainly  
3 then concentrating on dispatch and learning that.

4 Q. I'm just trying to understand when you  
5 say vetting of vessels, what paperwork would he be  
6 responsible for reviewing?

7 A. It's -- so it's pretty much making sure  
8 that all our COIs are up to date, make sure the load  
9 line inspections are up to date; and we recently  
10 began a sire process, S-I-R-E, which is an inspection  
11 process for tugs to work in the oil and gas industry.

12 Q. And that was his responsibility, at  
13 least when he was initially hired?

14 A. It was part of it. It really wasn't his  
15 full responsibility.

16 Q. Anybody else that directly reported to  
17 you in June of 2024?

18 A. We had two dispatchers, logistics  
19 coordinators. One is Will Gedney, G-E-D-N-E-Y, and  
20 the other one was RJ Theevinet, T-H-E-E-V-I-N-E-T. I  
21 believe that's the spelling.

22 Q. Anybody else?

23 A. That is it.

24 Q. Okay. So is the -- is Thomas Feeney  
25 still with the company?

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2 A. Yes.

3 Q. And you told us Jason Galioto has moved  
4 on to another role or another division?

5 A. No. He's still with -- under my -- he's  
6 still under my org chart.

7 Q. Okay. Does he have a different role?

8 A. I believe his title is now marine safety  
9 and compliance.

10 Q. When did he take on that role?

11 A. I don't know, off the top of my head.

12 Q. Sometime after the incident in June of  
13 2024 with the Belt Line Bridge?

14 A. Correct.

15 Q. Was there anybody that had a  
16 responsibility for marine safety and compliance that  
17 reported to you in June of 2024?

18 A. There was no direct position for that.

19 Q. Are both of the dispatchers still  
20 working for Carver?

21 A. One is. William Gedney.

22 Q. Okay. All right. Do you still have two  
23 dispatchers, though?

24 A. We actually have two dispatchers now and  
25 a senior logistics coordinator that oversees them.

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2 Q. Okay. And who is that?

3 **A. He's Kevin Twomey, T-W-O-M-E-Y.**

4 Q. Are you the manager of the limited  
5 liability company? Again, I'm going to butcher the  
6 name, Coeysman?

7 **A. That's close. It's Coeysman.**

8 Q. Coeysman?

9 **A. Yes. Carver Marine Towing, yeah.**

10 Q. Yeah.

11 **A. Coeysman Marine Towing, LLC.**

12 Q. Yes.

13 **A. Yes, I'm the general manager of that.**

14 Q. Okay. Do you know what the -- my  
15 question's a little bit different.

16 Are you the manager? There's a distinct  
17 title for limited liability companies.

18 **A. Oh.**

19 Q. Are you the manager?

20 **A. No. No, sir.**

21 Q. Do you know who is?

22 **A. I do not know off the top of my head.**

23 Q. Do you know if there are any officers of  
24 Carver Marine Towing?

25 **A. I do not know.**



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2 Q. I heard you say that one of your  
3 responsibilities is business development. Did I get  
4 that correct?

5 A. Correct. Yep.

6 Q. So kind of like a -- almost a sales role  
7 or --

8 A. Right. Correction. Also, I had Dillon  
9 Galm also working underneath me at the time.

10 Q. Okay.

11 A. He's a business development manager for  
12 Carver Marine Towing, and some other divisions as  
13 well, too.

14 MR. RODGERS: Sorry --

15 Q. Dillon --

16 MR. RODGERS: -- you're talking -- I'm  
17 sorry. Jim, are you talking about at the time?  
18 Is that the question?

19 THE WITNESS: Correct.

20 A. So he's still employed with us, but at  
21 the time, yeah, Dillon Galm also fell underneath me  
22 as well.

23 Q. How do you spell his last name?

24 A. G-A-L-M.

25 Q. Does he still have that role?

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2 A. Yes.

3 Q. So do you consider yourself to have  
4 the -- what's generally called P&L responsibility for  
5 Carver Marine Towing?

6 A. Yes.

7 Q. Okay. And by that, I mean profit and  
8 loss responsibility.

9 A. Yes, sir.

10 Q. It sounds like it operates as a division  
11 of a bigger Carver entity or a Carver holding  
12 company; is that fair?

13 A. Correct.

14 Q. And so you have to be profitable to kind  
15 of report up to the holding company, right?

16 A. Yep.

17 Q. Okay. Who do you report to?

18 A. I report to Nick Laraway.

19 Q. And is he related to Carver Laraway?

20 A. Yes. I believe he is a nephew.

21 Q. Do you know what his position is? That  
22 is, do you know what Nick Laraway's position is?

23 A. Chief operations officer.

24 Q. And --

25 MR. RODGERS: And again, is this then or

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2 now? I just want it to be clear.

3 MR. CHAPMAN: Fair question.

4 Q. That's now, right?

5 A. At the time it was chief operations  
6 officer, and I'd -- I would still say the same, yes.

7 Q. Okay. And the gentleman you said hired  
8 you, Mr. Carver Laraway?

9 A. I interviewed with Carver.

10 Q. Okay. What was his position when you  
11 interviewed with him?

12 A. CEO.

13 Q. And his -- maybe it's his nephew, but  
14 Nick Laraway, who's the chief operating officer, is  
15 that for all of the Carver divisions?

16 A. Yes, sir.

17 Q. Do the two of you communicate with  
18 e-mail?

19 A. Yeah. E-mails, phone calls, in-persons.

20 Q. And what is Nick Laraway's e-mail  
21 address?

22 A. It's N, like November, Laraway,  
23 L-A-R-A-W-A-Y, @carvercompanies.com.

24 Q. You said you also speak to him. Do you  
25 also text with him?

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2 A. Yeah.

3 Q. Do you know what his cell phone number  
4 is?

5 A. I don't, off the top of my head.

6 Q. Do you guys use any other written  
7 messaging systems like Signal or WhatsApp or --

8 A. No.

9 Q. -- those?

10 A. No.

11 Q. So if you're texting with him, you're  
12 using the SMS system --

13 A. Correct.

14 Q. -- on your cell phone? Okay.

15 Does the company provide you with a cell  
16 phone?

17 A. It's my personal cell phone.

18 Q. Do you still have the same cell phone  
19 from June of 2024 that you have today?

20 A. No. It's been upgraded to different  
21 iPhones, just through the family plan.

22 Q. So you have an iPhone?

23 A. Yes.

24 Q. Do you know what model?

25 A. It's 15 Pro.

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2 Q. 15 Pro?

3 A. Yeah.

4 Q. Besides Nick Laraway, is there anybody  
5 else that you report to in your role as general  
6 manager of Carver Marine Towing?

7 A. No.

8 Q. Can you approve payment of invoices?

9 A. Yes.

10 Q. Is there any limit to what you can  
11 approve? Do you have to get permission from anybody  
12 if it's above a certain amount?

13 A. There are certain thresholds that  
14 they're put into place with higher limits, but at the  
15 time, it was -- during the incident, there was no  
16 limits.

17 Q. Okay. Can you hire people to work for  
18 Carver Marine Towing?

19 A. I can recommend, then that then goes  
20 through HR.

21 Q. And is the HR function like part of the  
22 holding company of Carver or is it -- do you guys  
23 have your own kind of HR person at Carver Marine  
24 Towing?

25 A. It would be part of the holding company.

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2 Q. And the opposite end of that question,  
3 can you terminate people from Carver Marine Towing?

4 **A. By way of HR.**

5 Q. So if you wanted to hire somebody and  
6 said hire them, would they then hire that person?

7 **A. They would go through the process and**  
8 **then escalate it to the next level.**

9 Q. Have you ever been turned down on a hire  
10 that you've recommended?

11 **A. I don't recall.**

12 Q. Have you had to terminate anybody who  
13 worked for Carver Marine Towing?

14 **A. I have, yes.**

15 Q. And have you ever been turned down on a  
16 termination recommendation?

17 **A. No, sir.**

18 Q. Do you hold any other positions inside  
19 the Carver organization besides general manager of  
20 Carver Marine Towing?

21 **A. No, sir.**

22 Q. When did Mr. Baldassare leave Carver?

23 **A. I don't recall off the top of my head.**  
24 **Three months ago. That is an estimate.**

25 Q. Do you know why he left?

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2 (DIR)

3 MR. RODGERS: Don't answer that. That  
4 is -- I'm directing the witness not to answer.

5 And by way of counsel, you can put in a  
6 demand and we'll take it under advisement.  
7 Concerned about employment law here and also  
8 potential agreements that may have been signed,  
9 for Mr. Baldassare's sake.

10 MR. CHAPMAN: I'm not understanding what  
11 you're saying.

12 MR. RODGERS: Well, I'm just putting  
13 that on the record.

14 MR. CHAPMAN: Is there a privilege in  
15 play?

16 MR. RODGERS: I'm directing him not to  
17 answer.

18 MR. CHAPMAN: Okay. But is there a  
19 privilege that you're standing on?

20 MR. RODGERS: There's federal law that's  
21 involved with HR --

22 MR. CHAPMAN: It's --

23 MR. RODGERS: -- in any termination.

24 MR. CHAPMAN: So under Rule 32, you can  
25 direct a witness not to answer if it is based on

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2 the preservation of --

3 MR. RODGERS: Don't -- Jim, don't  
4 lecture me. I'm telling him not to answer.  
5 That's what I'm telling him not to answer.  
6 Okay?

7 Q. And just to be clear, are you going to  
8 follow Mr. Rodgers' direction not to answer --

9 MR. RODGERS: Yes.

10 Q. -- that question?

11 MR. RODGERS: Yes, he is.

12 **A. Yes.**

13 Q. Do you know whether Mr. Baldassare was  
14 terminated from Carver?

15 **A. I do not know.**

16 Q. Do you know whether he was asked to  
17 resign from Carver?

18 **A. I do not know.**

19 Q. Do you know where he's working now?

20 **A. I believe he's working for H&L.**

21 Q. What is H&L?

22 **A. A small marine towing company in --**  
23 **based in Long Island, in dredging.**

24 MR. RODGERS: And just for the record,  
25 Jim, as you know, Mr. Baldassare is coming in



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2 tomorrow morning for deposition.

3 MR. CHAPMAN: Yeah.

4 I think I'm entitled to test this  
5 witness' knowledge, though.

6 MR. RODGERS: No, no. You are. I'm  
7 just putting that on the record for the lone  
8 reader out there who's reading this one day.

9 Q. When was the last time you communicated  
10 with Mr. Baldassare?

11 A. I wished him a happy birthday.

12 Q. And that was?

13 A. That was actually yesterday.

14 Q. Did you text him happy birthday or did  
15 you call him and tell him happy birthday?

16 A. I texted him happy birthday.

17 But other than that, before that, it  
18 was -- we haven't spoken prior to him leaving.

19 Q. So you --

20 A. I'm sorry, correction. I didn't speak  
21 to him post leaving.

22 Q. Okay. So between whenever he left three  
23 months ago and your text to him yesterday about happy  
24 birthday -- wishing him a happy birthday, there's  
25 been no communication between the two of you?

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2 **A. Yes, sir.**

3 Q. And I just want to be clear. That's --  
4 you mentioned a text, but you haven't spoken to him  
5 either, correct?

6 **A. No, sir.**

7 Q. Or e-mailed with him?

8 **A. No.**

9 Q. Did you provide a reference for him when  
10 he left the company?

11 **A. No. He did not request it.**

12 Q. Do you know if the company provided a  
13 reference for him?

14 **A. I do not know.**

15 Q. Do you know if he is in a do not hire  
16 classification since leaving Carver?

17 MR. RODGERS: I didn't hear that, Jim.

18 MR. CHAPMAN: I asked do you know if he  
19 is in a do not hire classification since he left  
20 Carver.

21 **A. I do not know.**

22 Q. Who is the person that heads HR for the  
23 Carver companies?

24 **A. At the time of the incident or today?**

25 Q. Today.

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2 A. Samantha Galliazano [sic]. I need to  
3 reference the -- how to spell her last name.  
4 G-A-L-L-I-Z-O.

5 Q. G-A-L-L-I-D-O?

6 A. Z-O.

7 Q. Z-O. Galliazo?

8 A. Not correct, but it's close.

9 Q. Okay. And was there a different person  
10 there in June of 2024?

11 A. Yes.

12 Q. Who?

13 A. Tom Biden.

14 Q. Can you spell his last --

15 A. I'm sorry, correction. Tom Marron,  
16 M-A-R-R-O-N.

17 Q. Does Mr. Marron still have a position  
18 within the Carver organization?

19 A. He does not.

20 Q. There's three other people in particular  
21 I want to ask you some similar questions about that  
22 were all assigned to the tug, MACKENZIE ROSE, on  
23 June 15th of 2024 when the incident happened.

24 That's Captain Miller, Captain  
25 Morrissey, and the engineer, McGrath.

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2 A. Okay.

3 Q. Okay. They're all gone from Carver  
4 Marine Towing now?

5 A. Yes, sir.

6 Q. Okay. Do you know when Miller left  
7 Carver?

8 A. I would have to reference it, but it was  
9 close to October or November of 2024. He didn't  
10 leave Carver then. He was -- the -- his vessel was  
11 going into shipyard, so we didn't have an extra spot  
12 for him, so he was just off for an extended period of  
13 time. And come to find out on Friday, I heard that  
14 he passed away.

15 Q. So Captain Miller passed away?

16 A. In the end of March.

17 He was working with HR for some  
18 long-term disability that I didn't really have  
19 reference to or idea abouts, but I just heard --  
20 discovered that on Friday.

21 Q. But he did not work for the company  
22 since about October or November of 2024?

23 A. I would have to reference. He might  
24 have filled in some days here and there, but I don't  
25 recall.

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2 Q. Was he ever terminated from employment  
3 by Carver?

4 **A. I don't know.**

5 Q. Do you know if he was ever asked to  
6 resign?

7 **A. No.**

8 MR. RODGERS: I'm going to, again,  
9 direct him not to answer on --

10 MR. CHAPMAN: About Miller?

11 MR. RODGERS: Yeah, but Miller wasn't  
12 terminated. He just testified that he was on  
13 leave, and then he passed away, which we just  
14 found out as well.

15 Q. So let me move on to Captain Morrissey.

16 **A. Okay.**

17 Q. When did Captain Morrissey leave the  
18 employment of Carver?

19 **A. Shortly after the incident, he was**  
20 **placed on paid suspension pending an investigation.**

21 Q. So he completed the voyage with the  
22 barge up to wherever its destination was, and then he  
23 went on admin leave?

24 **A. Correct.**

25 Q. Okay. And did he ever come off admin

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2 leave?

3 A. I -- he never came -- he never went back  
4 to sea after that incident with us. I don't know if  
5 he was officially termed or what his role was,  
6 because he also shipped out somewhere else for a  
7 different company.

8 Q. And what company was that?

9 A. I don't recall off the top of my head.  
10 It's a small petroleum products carrying company in  
11 New York Harbor.

12 Q. And where is it located?

13 A. Staten Island, New Jersey, either one.  
14 I don't know. I would have to --

15 Q. What is your -- I'm just asking based on  
16 your memory, okay?

17 A. Yeah.

18 Q. But I'm just asking your memory.

19 How soon did that happen after the  
20 incident in June of 2024 involving the bridge?

21 A. Within three months?

22 Q. And do you know whether he was  
23 terminated?

24 A. I don't know officially.

25 Q. Do you know whether he was asked to

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2 resign?

3 A. That, I don't know.

4 Q. Who would know?

5 A. HR.

6 Q. And by then, had Samantha Gallizo  
7 arrived in a new role or was that still Mr. Marron?

8 A. It's to be -- it still would have been  
9 Mr. Marron.

10 Q. Okay. How many people, to your  
11 knowledge, work in that HR function for the Carver  
12 organization?

13 A. Three to four.

14 MR. RODGERS: Just for the record, Jim,  
15 are you treating him as a 30(b)(6) witness?  
16 Because he hasn't been designated.

17 MR. CHAPMAN: Well, no, I understand  
18 that, and we may take a 30(b)(6), but I'm  
19 just -- to me he sounds like a --

20 MR. RODGERS: His general -- you're  
21 asking his general knowledge.

22 MR. CHAPMAN: To me, he sounds like a  
23 managing agent, at least for Carver Marine  
24 Towing, but I don't know whether that's a --

25 MR. RODGERS: Well, he's an employee.

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2 MR. CHAPMAN: Well, yeah. Agree on or  
3 not.

4 MR. RODGERS: But, I mean, you're just  
5 asking him his knowledge in this case?

6 MR. CHAPMAN: Yes. I'm -- and I'm  
7 trying to figure out whether there's anybody  
8 else that we're going to need to depose along  
9 the way, okay? So...

10 Q. And I got the same questions about  
11 McGrath.

12 A. Okay.

13 Q. When did he leave Carver?

14 A. I honestly don't know, off the top of my  
15 head. He was -- his license was due to expire before  
16 he was coming back to the vessel, so we pretty much  
17 put -- told him that he couldn't come back to the  
18 vessel until his license was updated; and I forgot  
19 how many months past that -- without his license  
20 being updated that HR would have like simply -- I  
21 don't know, if he -- let him go or whatever it is,  
22 but he never returned after that.

23 Q. The company has replaced him --

24 A. Yes, sir.

25 Q. -- presumably, just like it's replaced



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2 Mr. Miller -- Captain Miller and Captain Morrissey,  
3 right?

4 **A. Yes, sir.**

5 Q. Do you know where McGrath is working  
6 now?

7 **A. I do not.**

8 Q. Did you communicate with Captain Miller  
9 at all between when he left in October/November 2024  
10 and when he passed away?

11 **A. I did not.**

12 Q. What about Captain Morrissey?

13 **A. I did not.**

14 Q. From the time he went on admin leave  
15 until he was gone, whenever that happened, did you  
16 communicate with him?

17 **A. I did not.**

18 Q. Same question about Engineer McGrath.  
19 Between whenever he left, which you don't know, and  
20 now, have you communicated with him?

21 **A. I did not.**

22 Q. Do you know who was responsible for  
23 hiring Captain Morrissey to work for Carver Marine  
24 Towing?

25 **A. It would have been through HR.**

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2 Q. Is that because he would have been  
3 recommended as a hire by somebody in the towing  
4 company?

5 A. No, not necessarily. He could also  
6 apply for the position.

7 Q. Okay. So do you know how he became an  
8 employee of Carver Marine Towing?

9 A. I don't.

10 Q. Was he hired when Mr. Marron was head of  
11 HR?

12 A. Yes, sir.

13 Q. Do you know whether he had ever worked  
14 for Carver Marine Towing before he was hired?

15 A. I don't know.

16 Q. What process is involved in evaluating  
17 the competence of a Coast Guard licensed personnel  
18 when you -- they're under consideration to be hired  
19 by the company?

20 MR. RODGERS: To his knowledge?

21 MR. CHAPMAN: Yeah.

22 MR. RODGERS: Just what you know.

23 A. Okay. So they would apply online or  
24 they would have to submit a resumé, or if they didn't  
25 have a resumé, they would -- HR would then talk to

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2 them about their previous history, go through the  
3 motions of that, then advance him to one of the other  
4 port captains or senior captains to interview him as  
5 well to understand a better understanding of what  
6 he's done in the past.

7 And then once they say yes, we would  
8 like to -- take him on to HR. HR then would process  
9 him through a background check, process online. I  
10 don't know exactly what it is, but they would run  
11 through the background check to make sure he had any  
12 outstanding histories or, you know, an outstanding --  
13 upstanding character.

14 They would cross-reference his merchant  
15 mariner's reference number to the US Coast Guard home  
16 port reference, where they would look up to make sure  
17 his license is still active, valid, he has the  
18 appropriate tonnage for what he's doing, and then  
19 take that from there.

20 Q. Would they check his S&R history?

21 A. I don't know what S&R is.

22 Q. Suspension and revocation history.

23 A. Through the Coast Guard?

24 Q. Yeah.

25 A. I don't know.

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2 Q. Okay. You said he would be interviewed  
3 by you -- the port captain or one of the --

4 A. Senior captains.

5 Q. Senior captains.

6 And that's a senior captain who's  
7 assigned to one of the tugs?

8 A. No. It's -- one of our senior captains  
9 would be Mark Pearson, who has been here since  
10 2000 -- since Carver Marine Towing started.

11 Q. Does he not sail?

12 A. He will fill in when needed.

13 Q. So he still has a license?

14 A. Yes, sir.

15 Q. What was his name again?

16 A. Mark Pearson, P-E-A-R-S-O-N.

17 Q. He was there when you joined Carver?

18 A. Yes, sir.

19 Q. Are there any other senior captains that  
20 could have interviewed Mr. -- Captain Morrissey?

21 A. He'd be the only one.

22 Q. You also mentioned that the port captain  
23 could have interviewed him?

24 A. Yeah, which would have been Lenny.

25 Q. All right. Mr. Baldassare?

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2 A. Yes, sir.

3 Q. Who was the port captain before  
4 Mr. Baldassare?

5 A. I don't know. That would have been  
6 before my time.

7 Q. Mr. Baldassare came to work at Carver  
8 about the same time you did, then?

9 A. I would have to look again, but six to  
10 eight months later.

11 Q. Okay. So was there a port captain when  
12 you started working for Carver?

13 A. There was a senior captain.

14 Q. Was that Pearson?

15 A. Yes, sir.

16 Q. So the role that Mr. Baldassare took on  
17 was new as a port captain for Carver Marine?

18 A. Yes.

19 Q. Okay. Do you know whether Captain  
20 Morrissey had been assigned to work in any other  
21 vessels besides the MACKENZIE ROSE?

22 A. I would have to look. I don't know if  
23 he filled in on any other vessels or not, but his  
24 primary vessel was the MACKENZIE ROSE.

25 Q. When you say you would have to look, is

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2 there some system or database that would allow you to  
3 determine relatively quickly what other vessels he  
4 served on?

5 A. Payroll would have to pull his time to  
6 see what vessel he was assigned to.

7 Q. What did you do to prepare to testify  
8 today?

9 A. In what regard?

10 Q. Well, you knew you were going to be  
11 deposed today, right?

12 A. Well, yes.

13 Q. Is that --

14 A. Yeah. I just needed to show up today,  
15 yes.

16 Q. Right. I'm just asking what you did to  
17 prepare.

18 MR. RODGERS: Well --

19 Q. Just so I'm clear, I'm not interested in  
20 whatever you and Mr. Rodgers may have discussed. I  
21 don't know whether you even discussed anything with  
22 him. I'm only trying to find out from your  
23 perspective what you did to prepare.

24 A. Honestly, nothing out of the ordinary to  
25 prepare for this.

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2 Q. Okay. Didn't review any documents?

3 **A. Only --**

4 MR. RODGERS: Other than with counsel.

5 **A. Only with -- with counsel.**

6 MR. RODGERS: Wait, wait, wait.

7 MR. CHAPMAN: And that's fair.

8 MR. RODGERS: Hold on.

9 MR. CHAPMAN: That's fair.

10 MR. RODGERS: I'm sorry. Sorry.

11 MR. CHAPMAN: If he only looked at them  
12 with you, that's fine.

13 MR. RODGERS: Yeah, okay.

14 MR. CHAPMAN: That's his answer. Okay.

15 Q. Did you talk to anyone besides  
16 Mr. Rodgers to prepare for the deposition today?

17 **A. No.**

18 Q. Did you text with anyone to help prepare  
19 for the deposition today?

20 **A. I did not.**

21 Q. Did you e-mail with anyone to help  
22 prepare yourself for the deposition today?

23 **A. I did not.**

24 Q. Couple of questions just -- this -- kind  
25 of go to what's called competence, but did you sleep

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2 okay last night?

3 A. I did.

4 Q. Okay. And are you taking any  
5 medications or substances that would impair your  
6 ability to understand my questions and provide  
7 truthful answers?

8 A. I do not take.

9 Q. Have you ever testified before?

10 A. I have worked for some depositions on  
11 behalf of the -- in support of the US -- United  
12 States Coast Guard, and also for another injury claim  
13 prior to my arrival at the other company, but never  
14 on my own behalf, I guess I would say.

15 Q. Okay. Just so I'm clear, are you  
16 referencing testimony that you provided in the Coast  
17 Guard hearing into this incident?

18 A. No. It was for a different incident  
19 from four years ago, five years ago.

20 Q. And that was also a Coast Guard  
21 investigation?

22 A. Yes, but not through us. It was for a  
23 school that had some suspicious endorsements issued  
24 out down in Virginia, I believe it was.

25 Q. That was a prior employer?



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2 A. Yes, sir.

3 Q. Okay. And you've not given testimony in  
4 any other matters?

5 A. No, sir.

6 Q. Okay. And you've -- I think you -- I  
7 think you said maybe -- I don't know if you said this  
8 on the record, but you've never been deposed before?  
9 You've never been through this experience of --

10 A. No. No, sir, I have not. Not for this.

11 Q. Okay.

12 MR. RODGERS: Well, I think he's asking  
13 at any time, not just this case.

14 THE WITNESS: Well, yes. So the injury  
15 from the other employer, there was a previous  
16 jury case that I was there. So that was a  
17 deposition based in New Jersey that I did for  
18 it, where I was with -- for Centerline  
19 Logistics.

20 Q. But other than that, you've never been  
21 deposed before?

22 A. No, absolutely not.

23 Q. All right. Thank you for that  
24 clarification.

25 Do you understand the term allision? Do

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2 you know what an allision is?

3 A. Yes.

4 Q. Okay. Tell us your understanding of the  
5 meaning of the word allision.

6 MR. RODGERS: Just -- just -- so you're  
7 not asking him the legal term of art?

8 MR. CHAPMAN: No. I'm just asking him  
9 what -- like what does he think an allision is.  
10 It's not a trick question. Okay?

11 A. You're talking about -- yeah. My  
12 understanding of allision is a vessel making contact  
13 with a non-moveable object.

14 Q. A fixed object?

15 A. Fixed objects, yeah.

16 Q. All right. So tell us how you first  
17 learned about the MACKENZIE ROSE alliding with the  
18 Belt Line Bridge.

19 A. The first initial call came through  
20 after -- Lenny called me on the weekend. He received  
21 the calls through the boat's, the MACKENZIE ROSE, and  
22 from what he spoke to me about it is that they  
23 made -- they made contact with the fendering of the  
24 bridge.

25 Q. That's what Mr. Baldassare told you?

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2 A. Yes, I believe so.

3 Q. What were you doing at the time he  
4 called you?

5 A. I was working in my backyard just doing  
6 chores at home.

7 Q. So middle of the summer. Were you like  
8 mowing the grass or --

9 A. Yeah. I -- I don't remember exactly  
10 what it was. Probably just cleaning up the yard,  
11 just -- didn't have my phone directly in my pocket,  
12 and then it wasn't until I went back inside and  
13 picked it up.

14 Q. So he had left a message to call or  
15 what --

16 A. He -- I believe he called twice. I  
17 don't remember exactly what it was, but usually on  
18 weekends when somebody calls from the team, I always  
19 call them right back.

20 Q. So did he leave a message on your phone?

21 A. I don't recall that.

22 Q. What time do you recall calling him  
23 back?

24 A. Mid-afternoon. I don't remember.

25 Q. And he told you that the crew of the

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2 tug -- somebody in the crew of the tug had reported  
3 that they had contacted the fendering system of the  
4 bridge?

5 MR. RODGERS: Objection to form.

6 You can answer.

7 Do you understand his question?

8 Q. If I -- just so I'm clear, if I'm --

9 **A. Yeah. They --**

10 MR. RODGERS: Just hold off.

11 Q. I just want to respond to his objection.

12 If I've misstated what you said  
13 previously, then feel free to correct me. I thought  
14 that's what you said.

15 **A. Sure. Can you repeat the question,**  
16 **then.**

17 Q. Yeah. When you spoke to Mr. Baldassare,  
18 he told you that someone in the crew of the tug had  
19 reported that they had contacted the fendering system  
20 of the Belt Line Bridge; is that right?

21 **A. Yes. He didn't mention a name, he just**  
22 **said the MACKENZIE ROSE, as a general.**

23 Q. And did you have any conversation with  
24 him about that, any discussion, any -- like here's  
25 what we need to do next, or can you get some more

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2 information? I'm just trying to unpack that.

3 A. It was more of a find out what happened.

4 You know, I think I requested them get photos, see  
5 what happened.

6 It -- when you receive that kind of  
7 phone call, it's initially gather all the facts you  
8 can, what happened, is everything okay, and then take  
9 it step by step after that.

10 Q. Okay. So did you have more than one  
11 conversation with Mr. Baldassare?

12 A. Throughout the day? Yes.

13 Q. Do you recall how many?

14 A. No, I do not.

15 Q. More than two?

16 A. I don't know.

17 Q. So it sounds like you told him to get  
18 some photos and find out more.

19 What did you specifically want to know?

20 A. How much damage there was to everything,  
21 either it -- let it be the bridge fendering or the  
22 barge, or whatever it may have happened.

23 Q. Did you ever learn which part of the  
24 bridge was actually contacted that afternoon on  
25 June 15th --

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2 A. No, sir.

3 Q. -- 2024?

4 A. No.

5 Q. Did you ever have any understanding that  
6 the part of the bridge that had been contacted was  
7 not the fender system --

8 A. It wasn't --

9 Q. -- that afternoon?

10 MR. RODGERS: Wait. Hold on.

11 Could you just repeat that. I --

12 MR. CHAPMAN: Yeah.

13 Q. I said did you ever have any  
14 understanding that the part of the bridge that the  
15 tug and barge contacted was not the fendering system?

16 MR. RODGERS: On that day?

17 MR. CHAPMAN: On that day. Yeah, on  
18 that day.

19 A. I did not.

20 Q. Did you learn later --

21 A. Yes.

22 Q. -- that it was not the fendering system?

23 A. Not that day, but yes, later.

24 Q. Okay. I'll get to that in a minute, but  
25 I'm just trying to understand what you knew --

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2 A. Yes, sir.

3 Q. -- that day.

4 I'm just trying to understand what you  
5 knew that day.

6 We're not doing really good at the radio  
7 discipline thing.

8 A. I'll have to hold it like an actual  
9 mike, then.

10 MR. RODGERS: That's off the record.  
11 It's up to Mr. Chapman.

12 MR. CHAPMAN: Well, it's going to be on  
13 the video record, so it might as well be on  
14 the transcript, too.

15 MR. RODGERS: All right.

16 Q. So there was at least one other  
17 conversation you had with Mr. Baldassare that  
18 afternoon --

19 A. Yes.

20 Q. -- right?

21 A. Yes, sir.

22 Q. Did you ever talk to anybody that was a  
23 member of the crew of the tug that afternoon?

24 A. No.

25 Q. So did Mr. Baldassare call you back,

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2 then, for that second call?

3 A. Yes.

4 Q. And what did you learn at that time?

5 A. I believe it was when -- after the fact  
6 that they went to the anchorage to break free from  
7 the barge, and then make turns of the entire barge to  
8 check for any damage as well.

9 Q. Did you ever receive a photograph or  
10 photographs of the bridge that afternoon?

11 A. I don't recall if it was that afternoon,  
12 besides the one wheelhouse photo that they took  
13 looking directly at beam of it.

14 Q. Okay. And you received that photo that  
15 afternoon?

16 A. I don't recall.

17 Q. Where is that photo today, if you know?

18 A. I don't know.

19 Q. Who sent it to you?

20 A. I don't remember.

21 MR. RODGERS: Just by Counsel, I'm not  
22 sure what the photo is.

23 MR. CHAPMAN: I think the photo he  
24 described was the one that was taken apparently  
25 from the wheelhouse.



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2 MR. RODGERS: Okay.

3 MR. CHAPMAN: Or the -- or from the tug  
4 as it passed by the bridge opening -- passed  
5 through the bridge opening.

6 **THE WITNESS: That is the photo, yes.**

7 Q. All right. So you've seen a photo that  
8 you can see the fendering system, and you can see the  
9 bridge going out to the west, right?

10 **A. Correct.**

11 Q. Okay. And when did you first see that  
12 photo?

13 **A. I don't recall exactly.**

14 Q. Was it on your phone?

15 **A. My phone or Lenny's phone or e-mailed  
16 from the boat phone. I would have to look it up.**

17 Q. So if you received it electronically,  
18 there would be some kind of electronic record of  
19 receipt --

20 **A. Correct.**

21 Q. -- or being sent, correct?

22 **A. Yes.**

23 Q. Does the boat, the MACKENZIE ROSE, have  
24 its own designated phone?

25 **A. Yes.**

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2 Q. Where is it kept? Where is it supposed  
3 to be kept?

4 **A. It's with the officer of the watch.**

5 Q. Do you know whether the -- where that  
6 phone is today that was on the MACKENZIE ROSE at the  
7 time of this bridge allision?

8 **A. It could be with IT or with counsel.**

9 MR. RODGERS: Don't guess.

10 **A. So no, I don't know.**

11 Q. So in the second conversation, I'll call  
12 it, that you had with Mr. Baldassare, what did you  
13 learn about what had happened?

14 **A. That there was no damage to the**  
15 **fendering, and on initial walk of the barge, there**  
16 **was no damage noted. So that was probably what came**  
17 **in -- came by way of the second phone call.**

18 Q. Do you know if the crew of the tug made  
19 any inspection of the bridge to determine whether  
20 there was any damage to it?

21 **A. Besides taking that one photo as they**  
22 **passed through.**

23 Q. That's all they did --

24 **A. Well --**

25 Q. -- as far as you know?

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2 A. As far as I know.

3 Q. Nobody got off the boat and walked the  
4 bridge or came up alongside of the bridge, other than  
5 in that one photo?

6 A. I don't believe so.

7 MR. RODGERS: Well, don't guess.

8 Q. So --

9 A. So -- correction. Yes, I don't know.

10 Q. At any time, did it occur to you that  
11 the Coast Guard needed to be contacted?

12 MR. RODGERS: Objection to form.

13 You can answer.

14 A. It would have been within that five-day  
15 window of a bridge allision with fendering.

16 Q. And not before? Coast Guard needed --  
17 did -- you're saying you -- it did not occur to you  
18 that the Coast Guard should be contacted immediately  
19 because of the allision?

20 A. Well, given that it was reported that it  
21 was just a fendering and there was no damage to the  
22 fendering or the barge, I wouldn't understand the  
23 severity of what the tug did or didn't do.

24 Q. Yeah, I hear what you're saying, but do  
25 you know what the regulatory requirement is?

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2 MR. RODGERS: Objection. It's a --  
3 you're asking about the law or what he knows?

4 MR. CHAPMAN: I'm just -- again, I'm  
5 asking him what he knows or what he thinks  
6 regarding -- I'm trying to understand what --

7 MR. RODGERS: Well, he just testified  
8 that it -- he understood there was a five-day  
9 window.

10 MR. CHAPMAN: I'll back up. I'll back  
11 up.

12 Q. Was the Coast Guard notified on  
13 June 15th, 2024, that the tug had allided with the  
14 bridge?

15 **A. I don't know.**

16 Q. Who would know?

17 **A. Lenny Baldassare.**

18 Q. Did he ever tell you that he had  
19 notified the Coast Guard?

20 **A. I don't recall that, either.**

21 Q. So my question, then, is did you do  
22 anything to confirm whether the Coast Guard had been  
23 notified on June 15th, 2024, of the allision?

24 MR. RODGERS: Objection to form.

25 You can answer if you understand it.

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2 A. So say it -- repeat the question,  
3 please.

4 MR. CHAPMAN: I'll do it this way.

5 Madam court reporter, would you read my  
6 question back to the witness.

7 (The record was read.)

8 A. No.

9 Q. Did you notify Mr. Laraway on June 15th,  
10 2024, of the allision?

11 A. It would have been on the 15th or 16th.

12 Q. And how did you notify him?

13 A. I -- I don't exactly recall. I believe  
14 I called him.

15 Q. What did you tell him?

16 A. That the MACKENZIE ROSE made contact  
17 with the bridge fendering and we were looking into it  
18 further.

19 Q. Now, this would have been Nick Laraway;  
20 is that right?

21 A. Yes, sir.

22 Q. Is Nick Laraway licensed by the Coast  
23 Guard, to your knowledge?

24 A. No.

25 Q. He's not licensed, to your knowledge?

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2 That's my --

3 A. To my knowledge.

4 Q. Okay. Do you have any reason to believe  
5 that he's licensed by the Coast Guard?

6 A. I have no reason to believe it.

7 Q. Did you say anything to him about  
8 whether the Coast Guard needed to be notified of the  
9 allision?

10 A. I did not.

11 Q. Did you only have one conversation with  
12 him to notify him of the allision?

13 A. I believe so.

14 Q. Did you send him any photographs that  
15 you had?

16 A. I don't recall.

17 Q. Is there anything that would help your  
18 memory to recall whether you sent him photographs?

19 A. Not -- no.

20 Q. On June 15th, 2024, after the  
21 allision -- you first learned of the allision from  
22 Mr. Baldassare, were you ever on a call regarding the  
23 fact of the allision with any -- with more than one  
24 person, like a three-way call, four-way call?

25 A. Besides Lenny, no, I don't -- no.

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2 Q. Did you give instructions to anyone else  
3 on behalf of Carver to notify the Coast Guard on  
4 June 15th, 2024?

5 **A. No.**

6 Q. Did you inform the master of the  
7 MACKENZIE ROSE that the boat was free to leave  
8 Norfolk without notifying the Coast Guard?

9 **A. I did not.**

10 Q. Do you know of anybody that did?

11 **A. I don't know.**

12 Q. When did anyone on behalf of Carver  
13 first notify the US Coast Guard of the allision with  
14 the Belt Line Bridge?

15 **A. I believe it was within 48 hours of**  
16 **Lieutenant Palomba of sector Norfolk. She reached**  
17 **out to Lenny and spoke to him about it.**

18 Q. So just so we're clear and it's not  
19 confusing, her name is Lieutenant Palomba?

20 **A. Yes.**

21 Q. Right.

22 MR. RODGERS: With an A at the end.

23 MR. CHAPMAN: I think the -- yeah. I  
24 think the spelling is P-A-L-O-M-B-A, Palombo --  
25 Palomba.

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2 MR. RODGERS: And we're -- Detective  
3 Columbo. I don't know.

4 MR. CHAPMAN: Yeah.

5 Q. So it's your testimony that she  
6 contacted Mr. Baldassare, and then within 48 hours of  
7 that initial contact from the Coast Guard, then the  
8 Coast Guard was notified?

9 A. No. Incorrect.

10 Q. I misunderstood, then.

11 A. Correct.

12 So it was within 48 hours of the  
13 incident, I believe, is when Lieutenant contacted  
14 Lenny informing him that the MACKENZIE ROSE did  
15 strike the bridge.

16 MR. RODGERS: Just for the record, is  
17 that your understanding?

18 THE WITNESS: Yes.

19 Q. Okay. And you think that was within  
20 48 hours of the allision?

21 A. I believe so, yes.

22 Q. And then at no time before that had  
23 Carver or anybody on behalf of Carver informed the  
24 Coast Guard of the allision; is that right?

25 MR. RODGERS: Objection to form.



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2 You can answer what you know.

3 **A. No.**

4 Q. I'm not sure that answered my question  
5 the way you intended, but --

6 **A. Okay. Pause -- repeat the question.**

7 Q. Yeah.

8 MR. CHAPMAN: Could you read that back  
9 for us, please.

10 (The record was read.)

11 **A. Correct.**

12 Q. Yeah. Thank you.

13 Was anybody with Carver Marine Towing  
14 responsible for investigating the allision?

15 **A. Nobody directly.**

16 Q. When you say nobody directly, was  
17 somebody indirectly responsible?

18 **A. No. It was more of a team effort,  
19 collaborative.**

20 Q. So who was in charge? Was it you?

21 **A. It would have been Lenny and myself to  
22 look into it.**

23 Q. Okay. When did the tug and barge arrive  
24 in New York?

25 **A. I don't recall.**

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2 Q. Was it within 48 hours of the allision?

3 A. Yes.

4 Q. So as a part of the investigation that  
5 you and Mr. Baldassare did, was anybody interviewed?

6 A. Statements were taken by the crew --  
7 from the crew.

8 Q. When did that happen?

9 A. The initial statements would have been  
10 on the day, and then Lenny met with them in person  
11 upon arrival to New York Harbor.

12 Q. Was the crew instructed to make  
13 statements on the day of the allision?

14 A. Yes. We asked them to provide  
15 statements.

16 Q. When you say we, was that communicated  
17 by you?

18 A. No. I say we as in Carver, but it would  
19 have been by Lenny to ask them to get statements.

20 Q. When did you first see the statements  
21 from the crew?

22 A. I don't remember.

23 Q. Were they e-mailed to you?

24 A. I believe so.

25 Q. By whom?

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2 A. I don't recall if it was the tug or  
3 Lenny.

4 Q. Does the tug have its own e-mail  
5 account?

6 A. It does.

7 Q. And what is the name of that e-mail or  
8 what's the...

9 A. I believe it's  
10 tugmackenzie@carvercompanies.com.

11 Q. Who has the ability to send e-mails from  
12 that e-mail address on the tug?

13 A. Anybody on board.

14 Q. So it's not -- are there special login  
15 credentials required to access that account?

16 A. There's a password for the -- that  
17 laptop that the crew would have. Primarily, it's  
18 going to be based -- they can be coming from the  
19 captain or the mate to send e-mails.

20 Q. Where is that laptop with the e-mail  
21 account located on the tug?

22 A. I believe it's still on board.

23 Q. Okay. And is it in the wheelhouse or in  
24 the master's room or...

25 A. It's in the wheelhouse.

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2 Q. But it's one password, right? Everybody  
3 has -- everybody that wants to use it needs to know  
4 that password?

5 **A. Yes.**

6 Q. Okay. Do you know how many statements  
7 were taken from the crew?

8 MR. RODGERS: You mean how many crew  
9 members or --

10 MR. CHAPMAN: We can start there.

11 Q. Did everybody -- every member of the  
12 crew provide a statement, to your knowledge?

13 **A. To my knowledge.**

14 Q. And did they provide more than one  
15 statement or did they only provide one statement?

16 **A. They provided a handwritten statement,**  
17 **and usually handwritten statements are illegible and**  
18 **not clear, and that we would ask them to retype it**  
19 **up. Lenny would have had them type it up.**

20 Q. And what was the purpose of getting  
21 statements?

22 MR. RODGERS: Objection to form.

23 You can answer it if you understand it.

24 **A. Just with any incident, a statement**  
25 **should be provided.**

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2 Q. Was there any written report prepared of  
3 the investigation?

4 **A. There was --**

5 MR. RODGERS: Objection. Can you be  
6 more specific.

7 MR. CHAPMAN: I don't know that I can.  
8 I'm just asking. He's told -- he's --

9 MR. RODGERS: By who? By Carver or by  
10 him, by anybody?

11 MR. CHAPMAN: Fair. That's a fair  
12 inquiry.

13 Q. Was there ever a written report of the  
14 investigation prepared by Carver?

15 **A. Of the investigation, no.**

16 Q. So there were statements obtained, but  
17 no written report prepared?

18 **A. Correct.**

19 MR. CHAPMAN: We can go off.

20 THE VIDEOGRAPHER: We are going off the  
21 record. The time is 11:53 a.m.

22 (Discussion held off the record.)

23 MR. NANAVATI: Yes, I would like a copy  
24 of the transcript, please.

25 MR. JETT: I do not need a copy. Thank

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2 you.

3 THE VIDEOGRAPHER: Beginning Media No.

4 2. We are back on the record. The time is

5 12:05 p.m.

6 BY MR. CHAPMAN:

7 Q. And just to kind of follow up where we  
8 were talking about this investigation that you and  
9 Mr. Baldassare did.

10 What photographs did you actually see  
11 during the course of, I'll call it, that  
12 investigation?

13 A. There's a set of the photos of the  
14 barge, the bow, port, starboard and stern -- I  
15 believe the stern -- and then the one that beam photo  
16 from the bridge -- I'm sorry, from the wheelhouse of  
17 looking west towards the bridge, and that's it.

18 MR. RODGERS: Off the record.

19 (Discussion held off the record.)

20 MR. CHAPMAN: Let's mark this as  
21 Exhibit 1, please.

22 (Exhibit 1, Copy of Photo, marked for  
23 identification, as of this date.)

24 Q. I passed you a copy of a photograph that  
25 was provided to the Belt Line as a part of the

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2 production in discovery in this case, and this is as  
3 good as it gets, the image, when you look at it this  
4 way. It's a digital thing, but it says -- it's just  
5 a thumbnail, so it's not like the full size.

6 **A. Okay.**

7 Q. Okay. But is this one of the  
8 photographs that you received as -- or reviewed as  
9 part of your investigation?

10 **A. Yes, sir.**

11 Q. Okay. Do you know where the original  
12 native digital photograph is that would allow us to  
13 see this more clearly?

14 **A. I don't know exactly, but it would have**  
15 **came from MACKENZIE ROSE's boat phone.**

16 Q. All right. Okay. And I'm going to have  
17 a similar set of questions.

18 MR. RODGERS: Off the record.

19 (Discussion held off the record.)

20 MR. CHAPMAN: Mark this as 2, please.

21 (Exhibit 2, Copy of Photos, marked for  
22 identification, as of this date.)

23 MR. CHAPMAN: Here is a copy for you.

24 Q. You've been passed some photographs that  
25 are collectively marked as Exhibit 2, labeled Carver

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2 00245 through Carver 00248, that appear to depict a  
3 barge.

4 Are these photos that you reviewed  
5 during your investigation with Mr. Baldassare?

6 **A. Yes.**

7 Q. These all appear to depict the rake end  
8 of a barge. Would you agree?

9 **A. Yes. This would be the bow.**

10 Q. Okay. So you had mentioned that you saw  
11 some photos of the port and starboard and stern of  
12 the barge as well.

13 **A. I -- I wasn't sure of the stern, but**  
14 **when I had referenced to the port/starboard, I mean**  
15 **like you could see the port. I guess you can't quite**  
16 **see the starboard side, but I knew I was able to see**  
17 **the side of it as well, too.**

18 Q. All right. So Carver 00248, you're  
19 saying depicts the -- an angle of the port side of  
20 the barge, correct?

21 **A. Correct.**

22 Q. Okay.

23 MR. RODGERS: Which one is that?

24 **THE WITNESS: 248.**

25 MR. CHAPMAN: The last one in this



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2 collection.

3 Q. And this barge was laden with cargo,  
4 correct?

5 A. Yes. It had special project cargo on  
6 deck.

7 Q. Which was bound for where?

8 A. The Hackensack River, New York Harbor.

9 Q. Was there a bridge project going up  
10 there that you were supporting?

11 A. Yes.

12 Q. Who was your customer for this transit?

13 A. I actually don't know who the exact  
14 customer it was for.

15 Q. Somebody building the bridge?

16 A. Yes. Skanska was building the bridge,  
17 and who we'd be working with. I don't know if this  
18 was directly by them or who signed us up for it.

19 Q. Did you have all of the towing related  
20 to the construction of this bridge?

21 A. Not all of it.

22 Q. But some of it?

23 A. Yes.

24 Q. So how was Carver going to be paid for  
25 towing whatever was on this barge up to that bridge

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2 project in Hackensack?

3 A. I --

4 MR. RODGERS: Just -- you mean who was  
5 going to pay him or --

6 MR. CHAPMAN: Yeah.

7 MR. RODGERS: Yeah. Okay.

8 MR. CHAPMAN: That's what I'm asking.

9 A. Yeah. I don't know exactly. I would  
10 have to refer to the terms and conditions, the  
11 agreements.

12 Q. Do you know how much you were being paid  
13 for each trip?

14 A. I don't know.

15 Q. Where would that information reside?

16 A. It would be with accounting.

17 Q. So just kind of part of your P&L  
18 responsibility?

19 A. Yes.

20 Q. But you just don't have it like  
21 immediately of mind, right?

22 A. Correct.

23 Q. Okay. But there would have been some  
24 freight due for this voyage, right?

25 A. Correct.

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2 Q. I'm going to get out a copy of it in a  
3 little bit, but one of the documents that was  
4 produced to us in this case was a report of an  
5 allision when Captain Morrissey was at the wheel of  
6 the MACKENZIE ROSE in January of 2024, when he hit a  
7 pier in -- or near Charleston, South Carolina.

8 **A. Yes, sir.**

9 Q. Do you recall that?

10 **A. I do.**

11 Q. That report is on a form -- a company  
12 form that says like 9.5 incident report or something  
13 like that on it.

14 **A. Okay.**

15 Q. Okay?

16 Was a form like that ever prepared for  
17 this allision with the Belt Line Bridge?

18 MR. RODGERS: Just -- could you show him  
19 the form that you're referring to.

20 MR. CHAPMAN: It'd take me a minute to  
21 find it. So...

22 MS. WERNER: Would you like the Bates  
23 label, Jim? This is Rachel Werner. Jim needs  
24 the Bates label. I'm happy to read it to him so  
25 he can provide the witness the document.

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2 MR. RODGERS: So she's getting you the  
3 Bates number.

4 MR. CHAPMAN: Yeah, one second.

5 MR. RODGERS: You know, why don't I get  
6 my Bates number docs, okay? Maybe we can --  
7 Jim?

8 MR. CHAPMAN: I think I've got it.

9 MR. RODGERS: And it might even have  
10 better photos, if you want to wait two minutes.

11 MR. CHAPMAN: I think it starts with  
12 829.

13 MR. NANAVATI: It is.

14 MS. WERNER: That's right.

15 MR. NANAVATI: It's 829.

16 MR. RODGERS: Off the record.

17 (Discussion held off the record.)

18 (Exhibit 3, 9.5 Incident Report-Event,  
19 marked for identification, as of this date.)

20 MR. RODGERS: Could you ID the numbers  
21 just so Rachel and your people can hear it.

22 MR. CHAPMAN: Yeah, I will.

23 MR. RODGERS: I mean, the Bates numbers.

24 MR. CHAPMAN: Yeah.

25 Q. So Mr. Moore, you've been passed a copy

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2 marked -- a copy of a report marked as Exhibit 3  
3 covering Carver Bates labels 00829 through 00847.

4 A. Yes, sir.

5 Q. Okay. Is this the report that was  
6 filled out in -- for the incident in January of 2024  
7 when Captain Morrissey, while at the helm, hit a  
8 pier?

9 A. Yes, sir.

10 Q. Okay. So my question is was a report  
11 like this filled out for the Belt Line Bridge  
12 allision on June 15th, 2024?

13 A. I don't recall. I would have to  
14 reference.

15 Q. Okay. How would you go check to see if  
16 there was such a report or a --

17 A. It would all be through the Helm  
18 operating system.

19 Q. And you're referring to a logo on page 1  
20 of Exhibit 3 that says Helm?

21 A. Yes, sir.

22 Q. Tell us about that.

23 A. The Helm operating system is our overall  
24 component where tugs will enter in daily logs,  
25 entries, position reports. It's part of our

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2 preventive maintenance system if tugs have issues.

3 So to submit repair tickets, and also, part of the  
4 near misses and incident reports and everything else.

5 Q. And it looks to me like there's a number  
6 of fields that have to be filled in as part of  
7 preparing this report, right?

8 A. There's a lot of options for the fields.  
9 Not all are applicable.

10 Q. So is -- if you were to look at this in  
11 the system, are there fields that are required that  
12 have to be filled in?

13 A. I don't know off the top of my head.

14 Q. So if you look on the second page of  
15 Exhibit 3, under 3.2 it says Master, James D.  
16 Morrissey, and then there's a parentheses after that  
17 that says Inactive --

18 A. Yes.

19 Q. -- right?

20 What does the inactive mean?

21 A. It means that they're not currently  
22 active in the Helm operating as a crew member.

23 Q. So this report was run after he left the  
24 employ of the company?

25 A. I don't know when this report was run.

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2 You can pull up these reports at any time.

3 Q. And -- but if somebody is still  
4 currently with the company, it wouldn't say inactive  
5 after their name?

6 A. Correct.

7 Q. Okay. So on the first page, it says it  
8 was filled by Brandon Kuster.

9 A. Yes.

10 Q. Who is Brandon Kuster?

11 A. He's a captain with Carver Marine  
12 Towing.

13 Q. Was he the master of the MACKENZIE ROSE  
14 on the date of this allision that's reported in  
15 Exhibit 3?

16 A. I don't believe so. I believe he was  
17 sailing as mate. Still as a captain, but sailing as  
18 mate.

19 Q. So would Morrissey have been the master  
20 of the vessel at the time this allision occurred?

21 A. Yes.

22 Q. Is there a reason that Morrissey doesn't  
23 fill the form out himself?

24 A. Not that I would know.

25 Q. If you can go to page 00832,

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2 Section 4.8. It looks like there's a question or a  
3 field to be completed about property damage.

4 A. Yes, sir.

5 Q. And it says Occurrence causing project  
6 damage in excess of \$75,000.

7 Do you know why that figure is in this  
8 report?

9 A. I believe that is auto populated through  
10 Helm as the -- or was, I believe, the Coast Guard  
11 threshold for reportable incidents.

12 Q. Okay. And is Done part of a drop-down  
13 menu?

14 A. I don't -- I don't know.

15 Q. Okay. Did you understand that the  
16 damage caused to the pier in this allision in January  
17 of 2024 exceeded \$75,000?

18 A. At the time, nobody knew what the damage  
19 would cost.

20 Q. And did you since learn that it was in  
21 excess of \$75,000?

22 A. Did I what?

23 Q. Did you -- have you since learned the  
24 damage was in excess of \$75,000 to the pier?

25 A. I don't recall the exact number off top



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2 of my head. Our Charleston team was handling that  
3 since it's their area.

4 Q. And this says -- if we go back to page 1  
5 of Exhibit 3, it says that it was filled -- I assume  
6 that means filled out, on January 22nd of 2024 at  
7 0855 hours, right?

8 A. Yes, sir.

9 Q. So it's just before 9 a.m., right?  
10 Right?

11 A. Oh, yes. Sorry. Yes.

12 Q. I'm not saying that's the time of the  
13 accident, I'm saying that that's when the form was  
14 completed --

15 A. Correct.

16 Q. -- right?

17 MR. RODGERS: To his knowledge, also.

18 A. Yes, to my knowledge.

19 MR. RODGERS: Well, he's got to ask you  
20 that.

21 THE WITNESS: I wasn't there, but...

22 Q. Yeah.

23 Have you ever completed one of these  
24 forms yourself?

25 A. I have not.

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2 Q. Okay. At the end on page 000846 of  
3 Exhibit 3, it references at the bottom of that page  
4 Attachments.

5 **A. Yes.**

6 Q. Do you see that?

7 And then you got to go the next page to  
8 see what they are. But it looks like there's a  
9 Witness Statement from every member of the crew?  
10 Is that -- is that what we're seeing  
11 here?

12 **A. To my knowledge, yes.**

13 Q. Okay. And it was like a -- looks like  
14 it's a Word document, docx, as the file type?

15 **A. I believe so.**

16 Q. Those attachments, though, aren't  
17 printed as part of this exhibit we're looking at,  
18 correct?

19 **A. They're not in this exhibit, no.**

20 Q. So we don't know -- but presumably, they  
21 exist in your system somewhere, right?

22 **A. Yes.**

23 Q. Okay. And if you look on Carver 00845  
24 in Exhibit 3, under 19.8, it says Chemical Testing.

25 Do you see that?

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2 A. Yes.

3 Q. And somebody's entered Done, right?

4 A. Yes, sir.

5 Q. So -- and then right below at 19.9,  
6 Results from Chemical Testing, says Immediate swap  
7 conducted as negative, and crew was sent to clinic  
8 for formal testing. All negative. Right?

9 A. Yes, that's what it says.

10 Q. So would there be some chemical testing  
11 results for the crew members as part of this  
12 investigation?

13 A. Yes.

14 Q. Okay. But they're not part of this  
15 incident report. They're not attached to it or --

16 A. Correct.

17 Q. Where would they live in your system?

18 A. I don't know. I -- I don't know. I  
19 believe also in Helm, but not sure off the top of my  
20 head.

21 Q. Is there like a personnel file for each  
22 employee of the towing company?

23 A. Yes, there is.

24 Q. And is that in an electronic employment  
25 file or is there like a folder with, you know, paper

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2 documents or copies of things in it, too?

3 A. I don't know, actually. That's all  
4 through HR. I don't have access to the HR files.

5 Q. Do you know whether it's required that  
6 the results of chemical testing be included in their  
7 personnel files?

8 A. I don't know.

9 Q. With respect to the conditions at the  
10 time of this incident, if you could take a look at  
11 Carver 00083.

12 A. 830?

13 Q. Yeah, 833.

14 A. Oh, 833. Got it.

15 Q. And just confirming, it says the weather  
16 was clear, right?

17 A. Yes.

18 Q. It was daylight hours?

19 A. Yes.

20 Q. Visibility was good?

21 A. Yes.

22 Q. Up to 10 miles?

23 A. Yes.

24 MR. RODGERS: Are you going to read the  
25 rest, Jim?

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2 MR. CHAPMAN: Well, I...

3 MR. RODGERS: Like the wind speed?

4 Q. So if you continue on page 34 -- excuse  
5 me. Yeah, 834. It's got the air temperature, wind  
6 speed, wind direction, water speed, that it was an  
7 ebb tide. The tide was about 2.1 feet, right?

8 A. Yes, sir.

9 Q. And the sea state at zero.  
10 Presumably no chop --

11 A. Correct.

12 Q. -- right? Okay.

13 MR. RODGERS: Are you going to be asking  
14 him about the wind speed?

15 MR. CHAPMAN: No, but you can when you  
16 decide to follow up.

17 MR. RODGERS: Oh, okay.

18 MR. CHAPMAN: I think it's accurately --  
19 or it's been recorded there, and it says what it  
20 says. So...

21 Q. Is there any place in this form where  
22 there's an entry regarding whether a lookout was  
23 posted at the time of the incident?

24 A. I don't know.

25 MR. RODGERS: For the record, this is

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2 the January incident, right?

3 MR. CHAPMAN: Correct.

4 MR. RODGERS: Okay. Thanks.

5 Q. On page 000840, it describes -- it has  
6 Damage to Property under Section 12.

7 Do you see that?

8 **A. Yes, sir.**

9 Q. And it says under 12.1 that the property  
10 is the corner of Pier K, piling on north side of the  
11 dock --

12 **A. Correct.**

13 Q. -- right?

14 And then the owner of the property is  
15 Stevens Towing.

16 Is Stevens owned by Carver?

17 **A. No.**

18 Q. So this is presumably Stevens Towing's  
19 dock?

20 MR. RODGERS: And --

21 **A. It's actually the -- sorry. It's**  
22 **actually the Port Authority's dock.**

23 Q. Oh, okay.

24 **A. So...**

25 Q. So the South Carolina Ports Authority's

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2 dock was damaged?

3 A. Correct. Stevens Towing leases it out  
4 from them.

5 Q. Okay.

6 As part of your investigation of the  
7 Belt Line Bridge allision, the one in June of 2024,  
8 do you know whether Will Gedney was contacted at all  
9 during the -- that allision on June 15th, 2024?

10 A. I don't know.

11 Q. Do you know who the dispatcher was on --  
12 that was on duty at that time?

13 A. Not to my knowledge right now.

14 Q. Do you have a dispatcher on 24/7?

15 A. Yes.

16 Q. Is there any log of calls made to or by  
17 the dispatcher as they occur?

18 A. Like a documented call log?

19 Q. Yes.

20 A. No.

21 Q. How would the tug reach the dispatcher  
22 if they felt the need to contact the dispatch; cell  
23 phone?

24 A. Cell phone, yes.

25 Q. And just so I'm clear, to your

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2 knowledge, you don't know whether such an incident  
3 report like Exhibit 3 was prepared for the allision  
4 with the Belt Line Bridge that took place -- that  
5 occurred on June 15th, 2024?

6 A. Not to my knowledge right now, of its  
7 existence or nonexistence.

8 Q. Can you go into the Helm system and look  
9 for it?

10 A. Yes, sir.

11 Q. Just put in the date or --

12 A. Yep. You can --

13 Q. -- and the vessel?

14 A. You can reference incidents by vessels.

15 Q. Okay. So this -- on page 1 of  
16 Exhibit 3, it says there's a tag incident, right?

17 A. Yes.

18 Q. You see that there?

19 A. Yes, sir.

20 Q. What other tags are there for an  
21 incident report event like this?

22 A. I don't know exactly.

23 Q. Right now, do you know if that's a  
24 drop-down menu?

25 A. I believe it's all through a drop-down



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2 menu, and then they would designate it from there.

3 Q. Okay.

4 A. But the tags could also just be a  
5 reference to searchability within the system.

6 Q. Do employees ever get, I'll say,  
7 reprimanded or disciplined in any way from messing  
8 stuff up?

9 MR. RODGERS: Objection to form.  
10 You can answer if you understand it.

11 A. Within Carver companies?

12 Q. Yeah, I'll rephrase.

13 Do employees of Carver Marine Towing  
14 ever get disciplined for damaging property?

15 A. There's a formal write-up within Carver  
16 companies. I don't recall of any formal write-ups.  
17 It would go through HR for write-ups and discipline  
18 actions.

19 Q. So would somebody from HR be completely  
20 responsible for that or would there be somebody at  
21 the towing company that had to initiate it or sort of  
22 spell out what the issue was?

23 A. Correct. It would be -- it would go  
24 through us for that. It would be -- I say us; that's  
25 Carver Marine Towing. But it could go through

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2 somebody at Carver Marine Towing to initiate the  
3 disciplinary action.

4 Q. And how do you get that process started?  
5 Is there some form you have to fill out, or is it  
6 just pick up the phone and call somebody in HR and  
7 say hey, I need to do this?

8 A. It's as --

9 Q. How does it work?

10 A. -- simple as a phone call. It could be  
11 e-mail. Because I've -- don't recall seeing any of  
12 the Carver Marine Towing reports for disciplinary  
13 action. It's all a Carver companies' form.

14 Q. Was Captain Morrissey disciplined for  
15 damaging the South Carolina Port Authority dock in  
16 January of 2024?

17 A. For that incident, no.

18 Q. Did anybody counsel him or...

19 A. We interviewed him and spoke to him  
20 about the incidents, and we didn't deem it necessary  
21 given the fact that the -- the way the departure was  
22 with the winds and currents and the sets that he --  
23 occurred; that it was a common -- not say it's a  
24 common, but it's a probability that could happen, and  
25 he really -- he was not directly disciplined for it.

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2 Q. Did the tug allied with the dock or did  
3 a barge that it was handling allied with the dock?

4 A. A barge.

5 Q. Do you know whose barge it was?

6 A. Our barge.

7 Q. So you also operate a fleet of barges?

8 A. True. Correct.

9 Q. To your knowledge, has Captain Morrissey  
10 ever been disciplined for the incident -- the  
11 allision with the Belt Line Bridge in 2024?

12 A. He was suspended with pay pending that  
13 investigation.

14 Q. But was he disciplined?

15 MR. RODGERS: Objection to form.

16 A. A disciplinary form? No.

17 Q. I'm sorry?

18 MR. RODGERS: Asked and answered is my  
19 objection, but you can answer if you understand  
20 his question.

21 A. To me, the suspension was the  
22 disciplinary.

23 Q. So he still collected full -- collect  
24 full pay while he was on admin leave, right?

25 A. Yes.

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2 Q. Was there any counseling?

3 MR. RODGERS: I'm just -- sorry. Jim,  
4 you call it admin leave. I don't know if that's  
5 his term, but maybe you can straighten it out.

6 A. Correct. So he wasn't on admin leave.  
7 He didn't have any day-to-day operations with Carver  
8 Marine Towing during his suspension.

9 Q. So he just didn't come into the office,  
10 but he received his full pay?

11 A. Yes.

12 Q. And how long did that go on?

13 A. I don't recall. Multiple months.

14 Q. Did you ever interview him personally  
15 regarding this allision?

16 A. No.

17 Q. Do you know who interviewed him  
18 personally?

19 A. Lenny would have. Lenny Baldassare  
20 would have interviewed him.

21 Q. And did he tell you about his interview  
22 with Captain Morrissey?

23 A. I'm sure he did.

24 Q. Are there any notes that he made of his  
25 interview with Captain Morrissey?

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2 A. Not that I know.

3 Q. Not that you've seen?

4 A. Not that I know of.

5 MR. RODGERS: Just for the record, I  
6 think he's testified that he -- that -- you're  
7 talking about Lenny interviewing him?

8 THE WITNESS: Yes. Correct.

9 MR. RODGERS: I think he talked to  
10 everybody when they got back to Staten Island.  
11 So it didn't sound like the question and answer  
12 reflected that. I think he was confused.

13 MR. CHAPMAN: You know, you're fully  
14 welcome when I'm done to clarify anything.  
15 Just -- I would ask that you limit the speaking  
16 objections.

17 MR. RODGERS: I've had very few speaking  
18 objections, if any. I just want to clarify to  
19 the witness now so there's not incorrect  
20 testimony, and I shouldn't have to fix it if  
21 it's done correctly.

22 Q. Just so I'm clear on what you've said,  
23 you're not aware of any notes that Mr. Baldassare  
24 made regarding his interview with Captain Morrissey?

25 A. Correct.

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2 Q. Okay. You've seen statements that the  
3 crew members provided in the aftermath of the  
4 allision, right?

5 **A. Correct.**

6 Q. And my question is whether you have ever  
7 seen any notes that Mr. Baldassare may have  
8 prepared -- I don't know whether he did or not -- of  
9 his investigation?

10 **A. No.**

11 Q. You haven't seen them?

12 **A. I've not seen any notes.**

13 Q. Okay.

14 MR. CHAPMAN: Would you mark that as 4,  
15 please.

16 (Exhibit 4, Labelled Sections Produced  
17 by Carver Listing, marked for identification, as  
18 of this date.)

19 Q. Mr. Moore, you've been given Exhibit 4  
20 to your deposition, which has a cover page on it that  
21 was prepared by my office trying to identify the  
22 sections of documents that Carver produced to us in  
23 this case that appear to be part of some type of  
24 system, but they're largely labeled with a number in  
25 the first column, the section number, title of the

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2 document, and then the Bates ranges, which are  
3 various. I reorganized them from the way they were  
4 produced so that they follow the section number  
5 ordering.

6 A. Okay.

7 Q. Because I think that makes more sense.  
8 It may not, but I think it does.

9 A. Okay.

10 Q. All right. So if you look at the first  
11 page underneath the cover, which is labeled Carver  
12 000148 titled Master's Authority -- excuse me,  
13 Matter's Responsibility and Authority, it looks like  
14 it's Section 5.1 --

15 A. Yes, sir.

16 Q. -- right?

17 MR. RODGERS: And so for the record,  
18 could you put the Bates stamp numbers --

19 MR. CHAPMAN: I did.

20 MR. RODGERS: No. Right now, 148?

21 MR. CHAPMAN: Yeah. I just -- I  
22 referenced that, I believe --

23 MR. RODGERS: Okay.

24 MR. CHAPMAN: -- so -- and they're also  
25 listed --

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2 MR. RODGERS: And it's for the people  
3 listening on both sides.

4 MR. CHAPMAN: Yeah.

5 Anybody on the line that needs me to  
6 read that number again?

7 MR. NANAVALI: I'm okay. Thanks.

8 Q. Mr. Moore --

9 A. Yes, sir.

10 Q. -- where did this come from, this 5.1?

11 A. This is all encapsulated within our  
12 towing TSMS or Towing Safety Management System, and  
13 that is also found in Helm.

14 Q. So the -- I'll call it the safety  
15 management system.

16 A. Yes.

17 Q. But that's a requirement of SOLAS, isn't  
18 it?

19 A. Not a requirement of SOLAS. It was a --  
20 it's a requirement of all tug and barge companies --

21 Q. Okay.

22 A. -- subchapter M related.

23 Q. So the lowest numbered section that was  
24 produced to us in this litigation is 5.1. There's  
25 nothing before that.



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2 But I presume that there must be some  
3 numbers that precede Section 5.1; is that right?

4 A. Correct.

5 Q. Okay. So what is the lowest section  
6 number that you know of? Is it like 1.1 or --

7 A. It would be 1 --

8 Q. Okay.

9 A. -- .1.

10 Q. All right. And is there like an index  
11 or some table of contents in this safety management  
12 system?

13 A. Yes.

14 Q. How many -- like it starts at 1. How  
15 high does it go?

16 A. I don't know off the top of my head.

17 Q. Above 9.5?

18 A. I couldn't answer that correctly.

19 Q. Okay. Have you ever seen it printed  
20 out?

21 A. Yes.

22 Q. And how thick is it?

23 A. Approximately two inches thick.

24 Q. Okay. So if you hold this up to the  
25 video, this is maybe half an inch thick?

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2 MR. RODGERS: Objection.

3 A. No. It's not -- not quite that, but  
4 it's a little bit thicker than this.

5 Q. Okay. Suffice to say, this is not the  
6 entire safety management system, right?

7 A. Correct.

8 Q. Okay. So just kind of running through  
9 it with me at a high level, I want to understand  
10 what's here.

11 Section 5.1, which is Carver 148 and  
12 149, right?

13 A. Yes, sir.

14 Q. Section 6.12, which is Carver 150 and  
15 151, right?

16 A. Yes, sir.

17 Q. Section 6.13, which is Carver 152  
18 through 154?

19 A. Yes, sir.

20 Q. And then it jumps up to 7.2, and the  
21 Bates No. is 908?

22 A. Okay. I don't have 908.

23 Q. Yeah, it's probably easier to follow  
24 along with the cover page, because as I said, they're  
25 not in the Bates numbered order, they're in the order

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2 of the sections.

3 A. Got it.

4 Q. So I'm just asking is -- you see 5.1 and  
5 then you see 6.12?

6 A. Yes, sir.

7 Q. And then you see 6.13?

8 A. Yes.

9 Q. And then 7.2 is the next one?

10 A. Correct.

11 Q. And that is Bates numbered 908. You  
12 just -- if you see the number in the lower right.

13 And then 7.3?

14 A. Yes.

15 Q. Which is 898 to 906.

16 7.4, which is 909?

17 A. Yes.

18 Q. 7.9, which is 897?

19 A. You forgot 7.5, but --

20 Q. Oh, I skipped that. Thank you.

21 A. But yes --

22 Q. Yeah.

23 A. -- 7.5 and 7.9.

24 Q. Okay. 7.5, which is 816 to 520.

25 And then 7.9, which is 897, right?

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2 A. Yes, sir.

3 Q. And then 7.9K, which is 194 to 199?

4 A. Yes, sir.

5 Q. I do want to ask, do you know why  
6 there's a sub letter to 7.9?

7 A. I don't know.

8 Q. And immediately following is 7.9P, which  
9 is numbered 201 to 226.

10 Do you see that?

11 A. Yes, sir.

12 Q. Do you know whether there are  
13 subsections of Section 7.9, like A through Z or A  
14 through some letter, and the only thing that we've  
15 been provided with are K and P?

16 MR. RODGERS: Objection to form.

17 Q. I'm just asking --

18 A. I don't know.

19 Q. -- if you know whether there are other  
20 subsections.

21 A. Not without having it in front of me, I  
22 couldn't reference it.

23 Q. Okay. And then it's followed by 7.12 on  
24 Bridge Transits --

25 A. Yes, sir.

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2 Q. -- Bates No. 910.

3 Then 7.16 on Lookouts --

4 A. Yes, sir.

5 Q. -- which is numbered 155.

6 And then 8.8M on Steering Failure, which  
7 is numbered 162, correct?

8 A. Yes, sir.

9 Q. And then I guess same question. The 8.8  
10 is a subletter M.

11 Do you know whether there's like A  
12 through L or anything after M?

13 A. I would have to reference it.

14 Q. Okay. And then the last numbered  
15 section is 9.5 on Accident and Incident Reporting,  
16 163 to 169.

17 Do you see that?

18 A. Yes, sir.

19 Q. The last thing that's in here doesn't  
20 have a section number on it, but if you could turn to  
21 the last four pages, which are numbered 886 through  
22 889.

23 A. Okay.

24 Q. It at the top says that it is, in red,  
25 Health and Safety Plan within TSMS.

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2 Do you see that heading?

3 A. Yes, sir.

4 Q. So you told us what the TSMS is, the  
5 Towing Safety Management System.

6 Is this part of it, this document, these  
7 last four pages?

8 A. I would have to reference it. It is  
9 extensive, so I don't really know off the top of my  
10 head.

11 Q. Yeah. I mean, there's four pages, but  
12 they reference a lot of the Code of Federal  
13 Regulation, and then some other sections of the  
14 TSMS --

15 A. Yes, sir.

16 Q. -- right?

17 I do have a question. In that far right  
18 column on page 886, it says TSMS/HSP Section?

19 A. Yes, sir.

20 Q. I assume HSP is Health and Safety Plan?

21 A. Yes. That would -- to my knowledge,  
22 yes.

23 Q. Is that a separate document, the Health  
24 and Safety Plan?

25 A. No. It's all incorporated.

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2 Q. It's all part of the --

3 A. Part of the --

4 Q. -- the TSMS?

5 A. In Helm.

6 Q. Okay. So if you go into your Helm  
7 system, you can access the entire TSMS, right?

8 A. Yes.

9 Q. And you can access all of the forms that  
10 have to be filled out as part of performing your  
11 duties, right?

12 A. Yes, sir.

13 Q. What else is in Helm?

14 A. There's multiple forms where you could  
15 fill out for evaluations, near misses, voyage plan,  
16 references, how to handle coal. It's all documented  
17 on -- it's all -- it's added by Tug & Barge  
18 Solutions, TBS, who is our provider of the Health and  
19 Safety, TSMS.

20 Q. So Tug & Barge Solutions is a company  
21 that you buy or rent this towing safety management  
22 system from --

23 A. Correct. They're a third-party  
24 organization that works with us to ensure that this  
25 plan is what we are looking for, compared to other

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2 companies that they also provide for.

3 Q. And do they represent that their -- that  
4 the TSMS that they make available to you is in  
5 compliance with whatever regulatory requirements  
6 exist?

7 A. I don't know off the top of my head.

8 Q. So do you rent or buy the Helm system  
9 from them?

10 A. Helms system is a separate operating  
11 system that goes through Tug & Barge Solutions, TBS,  
12 but Helm is its own separate organization that TBS  
13 provides that service to us with.

14 Q. So you pay like a subscription to Helm  
15 and a subscription to TBS?

16 A. We pay one subscription cost to TBS for  
17 all-encompassing.

18 Q. All right. And so TBS provides the Helm  
19 system and it provides the safety management system?

20 A. Correct.

21 Q. Does it provide anything else?

22 A. They also can perform other services,  
23 but nothing that's on the day-to-day operations they  
24 do. They can do condition value surveys,  
25 post-incident surveys, but there's other



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2 organizations that do the same.

3 So we utilize TBS just for the Helm and  
4 also the TSMS section.

5 Q. You mentioned post-incident surveys.

6 Did Carver hire a surveyor to go inspect  
7 the damage that the MACKENZIE ROSE did to the  
8 Carolina Port Authority dock in January of 2024?

9 A. I don't know off the top of my head.

10 Q. If you obtained a survey, where would  
11 that be kept?

12 A. I have --

13 MR. RODGERS: Just for the record, you  
14 mean the damage to the pier --

15 MR. CHAPMAN: Damage to the pier.

16 MR. RODGERS: -- in January 2024?

17 MR. CHAPMAN: Correct.

18 A. I don't recall seeing one, but it --  
19 there's no designated spot for it besides an e-mail  
20 or in Box we use.

21 Q. Box is a file storage --

22 A. Correct.

23 Q. -- product, right?

24 A. Yes, sir.

25 Q. The access that you have to Helm and the

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2 safety management system, is that all cloud-based?

3 A. Yes.

4 Q. So you got to login to the cloud to  
5 access your account?

6 A. Yes.

7 Q. Can Carver edit the safety management  
8 system?

9 A. We can only recommend.

10 Q. And if you wanted to make a change to it  
11 or recommend a change to it, how would that take  
12 place?

13 A. It's easy as calling TBS to go through  
14 the motions or submitting a management of change  
15 within the operating system.

16 Q. To your knowledge, has Carver ever done  
17 that?

18 A. We have made revisions. I don't know  
19 off the top of my head what they were, but they have  
20 been made through -- through TBS.

21 Q. And is there an audit log of any  
22 revisions that are made at your request to the safety  
23 management system?

24 A. I don't -- I don't know off the top of  
25 my head.

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2 Q. Is there an IT person that has some  
3 responsibility for managing or making those changes  
4 to the TSMS?

5 A. It would be through TBS, not our IT  
6 department.

7 Q. So if you look at the -- at Section 5.1  
8 of Exhibit 4, it has a revision date on it at the  
9 top, July of 2021?

10 A. Yes, sir.

11 Q. Do you know what was revised in this?  
12 And I realize you weren't there, but I'm just trying  
13 to understand the scope of what you might know.

14 A. I do not know.

15 Q. So do you know if this has changed in  
16 any way since July 15th of 2024? I'm just focused on  
17 Section 5.1.

18 A. No, I don't believe so.

19 MR. RODGERS: Don't guess.

20 THE WITNESS: That's correct.

21 A. I -- not to my knowledge.

22 Q. So moving on to Section 6.12 titled  
23 Deckhand, which is -- starts at page 150.

24 A. Yes, sir.

25 Q. It says, again, Revision Date, July 1,

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2 2021.

3 Has any change been made to it since  
4 that, since June 15th, 2024?

5 **A. Not to my knowledge.**

6 Q. On page 150 under the heading  
7 Operational --

8 **A. Yes, sir.**

9 Q. -- it looks like the third bullet  
10 down -- fourth bullet down, maybe third bullet down,  
11 Assisting the master/mate in making bridges.

12 Do you see that?

13 **A. Yes, sir.**

14 Q. What is the deckhand supposed to do to  
15 assist the master or mate in making bridges?

16 **A. A common practice would be for**  
17 **deckhands, if the officer on watch requests it, to go**  
18 **out and provide distances or identify any hazards.**

19 Q. Is that the same thing as the fourth  
20 bullet where it says Standing lookout or riding the  
21 head of a tow as a lookout?

22 Are those the same or are they uniquely  
23 different?

24 MR. RODGERS: Just for the record, he's  
25 not here as an expert, so that's to his

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2 knowledge of duties of a deckhand.

3 A. Correct. It would be through the same,  
4 if you're also transiting through locks, bridges or  
5 even on approach to a dock.

6 Q. So how are deckhands trained in their  
7 responsibility regarding assisting the master or mate  
8 in making bridges?

9 A. They have their own training for vessel  
10 orientation and initial on hire, but I could not --  
11 not to my knowledge, I don't know about specifically  
12 for passage to bridges or locks or...

13 Q. Who is responsible for training new  
14 hires at Carver in -- from the time you've been  
15 there, and maybe it's changed, but just going back to  
16 since you've been there?

17 MR. RODGERS: Objection to form.

18 You can answer if you know -- understand  
19 the question.

20 A. I'm not sure who would be responsible  
21 for training.

22 Q. So there isn't anybody that you know of  
23 that has training responsibility at Carver Marine  
24 Towing?

25 MR. RODGERS: Objection to form.

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2 A. Not directly assigned a training spot.

3 Q. There's no one that has that role?

4 That's my question. No one has --

5 MR. RODGERS: Object --

6 Q. No one has -- let me --

7 MR. RODGERS: You're talking about on  
8 the vessel or are you talking about in the  
9 company?

10 MR. CHAPMAN: I'm talking about in --

11 MR. RODGERS: It's confusing.

12 Q. At Carver Marine Towing, is there  
13 somebody that uniquely has the responsibility for  
14 training new hires?

15 A. The master or mate, whoever that signs  
16 them off in within Helm as -- and appropriate to  
17 stand watch.

18 Q. And does the master or mate that has  
19 that responsibility also receive training in what  
20 they're supposed to train the deckhands in?

21 A. I don't know.

22 Q. Is --

23 MR. RODGERS: Don't guess.

24 Q. Is it spelled out anywhere in this TSMS  
25 system what training is required or how it's to be

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2 conducted, that sort of thing?

3 **A. I would have to reference it.**

4 Q. You don't know?

5 **A. No, not off the top of my head. I would**  
6 **have to reference that.**

7 Q. If you turn to the next page, which is  
8 151 in Exhibit 4.

9 **A. Yes, sir.**

10 Q. It says near the top, third bullet  
11 down -- I think this is a continuation of the  
12 Operational section.

13 It says Know their assigned duties on  
14 the Station Bill?

15 **A. Yes, sir.**

16 Q. Station Bill is capitalized.  
17 Do you see that?

18 **A. Mine's not. Correction. Yes.**

19 Q. That their --

20 **A. Station Bill, yes.**

21 Q. Yeah.

22 What is a station bill?

23 **A. A station bill is posted on all vessels**  
24 **noting that -- during the time of an emergency or**  
25 **incidents, where that assigns a crew member or a**

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2 person in addition to crew is reporting to, and their  
3 responsibilities in that role.

4 Q. Is there a separate station bill for  
5 each vessel?

6 A. There -- I don't know off the top of my  
7 head.

8 Q. Yeah. I'm just trying to distinguish.  
9 Maybe there's a generic station bill that goes on  
10 every vessel, but there might be unique station bills  
11 for each vessel?

12 A. Master would have to -- master would  
13 change it and have ultimate responsibility for  
14 assigning the said roles for the crews.

15 Q. So that was going to be my next  
16 question, is who prepares the station bill?

17 A. We have a -- the generic station bill  
18 that covers the roles of captain, down to -- in  
19 addition to crew, and then it would be up to the  
20 master each time they sail; and if they wanted to  
21 change it, they would have to change it and post it.

22 Q. And is that a document that lives in  
23 this Helm system?

24 A. Not to my knowledge.

25 Q. Do you know whether it's covered by any



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2 separate section of the safety management system?

3 **A. I would have to reference it in there.**

4 Q. So you don't know?

5 **A. No, off the top of my head.**

6 THE VIDEOGRAPHER: We are going off the  
7 record. The time is 1:01 p.m.

8 (There was a recess taken.)

9

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2 A F T E R N O O N S E S S I O N

3 THE VIDEOGRAPHER: Beginning Media No.

4 3. We are back on the record. The time is  
5 1:46 p.m.

6 B R I A N M O O R E,

7 Having been previously duly sworn was  
8 examined and testified further as follows:

9 EXAMINATION BY MR. CHAPMAN: (Continued)

10 Q. All right. Thank you.

11 We were looking at Exhibit 4, and we  
12 were on the Section 6.13 on page 153.

13 **A. Okay.**

14 Q. Let's see. They're all bullets, but it  
15 looks like eight bullets down, it says the -- for the  
16 mate, captain/relief captain, his responsibilities  
17 are to act as a lookout and oversee lookouts --

18 **A. Yes, sir.**

19 Q. -- right?

20 So what does it mean to oversee  
21 lookouts?

22 MR. RODGERS: Same objection. He's not  
23 here as an expert, but he'll testify as to his  
24 knowledge.

25 Go ahead.

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2 A. I would say when to call out a lookout,  
3 if I'm putting myself in the captain's hat on here.

4 Q. Have you ever assigned a lookout at any  
5 time while you were operating a vessel?

6 A. I have, in restricted visibility.

7 MR. RODGERS: What number is that?

8 THE WITNESS: It's eighth bottom down --  
9 eighth bullet point down.

10 MR. RODGERS: 613?

11 THE WITNESS: Yes.

12 Q. Is there any training on acting as a  
13 lookout or overseeing lookouts within the mate's  
14 responsibilities?

15 A. No, there's no per se training. The  
16 officer of the watch would instruct the lookout to --  
17 what to look out for, where we're at, identify  
18 there's other vessels or buoys or anything that it  
19 might see further ahead of them that wouldn't be able  
20 to see them.

21 Q. Yeah, that's great.

22 My question, is that written down  
23 anywhere? I mean, is that part of the specific  
24 training or some other document that these are the  
25 things you need to look for?

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2 A. No, not to my knowledge.

3 Q. Under Safety/Operations, the fourth  
4 bullet there says Properly relieve (or be relieved)  
5 on watch and log it.

6 Where are they to log it?

7 A. They would log it either in the rough  
8 deck log or in Helm itself.

9 Q. They could do it either way?

10 A. Yeah.

11 Q. The T -- the safety management system  
12 doesn't specify whether to always do it one way or  
13 the other, right?

14 A. Not to my knowledge.

15 Q. Where is the rough deck log kept on the  
16 vessel?

17 A. It's in the bridge, in the wheelhouse.

18 Q. The deck log, I've seen a few pages of  
19 it that were produced -- the rough deck log, a few  
20 pages that were produced.

21 It looks like it's one of those logbooks  
22 that has an entry for every page of the year or a  
23 page for every day of the year; is that right?

24 A. Yeah, it's one of those red journal --  
25 red journal books.

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2 Q. So there's a 2024 log, and it starts  
3 January 1 and ends December 31, right?

4 A. If they're using it for that. The  
5 official logbook's in Helm that would -- we encourage  
6 them to use. The rough deck log would be for  
7 anything they write down. If they're sailing and  
8 need to jot down notes or anything else, that's  
9 the -- you know, then they can clean up when they get  
10 to the computer.

11 Q. So I'm specifically interested in the  
12 logbook for 2024 on the MACKENZIE ROSE. Where is it  
13 now?

14 A. I would have to check and see where it's  
15 at right now.

16 Q. Did you give it to the lawyers?

17 A. I don't recall.

18 MR. RODGERS: What was that?

19 THE WITNESS: The red logbook, the rough  
20 deck log.

21 MR. RODGERS: No.

22 What was his -- your question, Jim?

23 I didn't mean you.

24 MR. CHAPMAN: I said did you give it to  
25 your lawyers.

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2 MR. RODGERS: Oh, okay. Okay.

3 Q. So if you go over to the next page, 154.

4 **A. Yes.**

5 Q. At the very top, it says Ensure that all  
6 navigation is conducted clear of dangers and with due  
7 regard for prevailing conditions and vessel  
8 capabilities, including defining specific courses to  
9 be steered and any special precautions or  
10 instructions required of navigation personnel.

11 In terms of defining specific courses to  
12 be steered, is there some place that that would be  
13 recorded?

14 **A. They would put that on the Rose Point,**  
15 **the electronic charting system. They would -- that's**  
16 **where it would have been logged.**

17 Q. Okay. And no place else?

18 **A. No. That -- once they got rid of the**  
19 **paper charts, they would -- eliminated the pencil in**  
20 **the chart.**

21 Q. Is Rose Point the vendor of the Rose  
22 Point charting system or navigation system?

23 **A. Yes.**

24 Q. So you subscribe to that as well?

25 **A. Correct.**

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2 Q. And it -- does that also operate, I'll  
3 call it, in the cloud?

4 A. Actually, I don't know. It's based --  
5 it's a computer program that you download to the said  
6 laptop, and so it's downloaded -- chart updates and  
7 everything else is downloaded directly to -- to the  
8 laptop itself.

9 Q. Who's responsible for updating it?

10 A. The master or mate.

11 Q. So maybe my question's not clear, so I  
12 apologize for that.

13 I'm trying to figure out, the Rose Point  
14 pushes out, I'll call them updates --

15 A. Yes.

16 Q. -- to the system from time to time. I  
17 don't know if they have like a regular release  
18 schedule, that sort of thing.

19 Does that have to be downloaded to the  
20 laptop on the boat?

21 A. Yes. It would be -- when you sync the  
22 program to get your weekly updates, it would also  
23 download any operational updates, from my knowledge.

24 Q. And that's what, a weekly sync --

25 A. It's --

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2 Q. -- synchronization?

3 A. It's up to the vessel, but it's to be  
4 done weekly, and you have to prompt it to do it.

5 Q. So is there a specific day of the week?

6 A. No.

7 Q. Is the specificity around doing it on a  
8 weekly basis laid out somewhere in the safety  
9 management system?

10 A. I believe so, but I -- correction. I  
11 don't know off the top of my -- off the top of my  
12 head.

13 Q. Was anything downloaded from the Rose  
14 Point system on the MACKENZIE ROSE immediately after  
15 the allision with the bridge on June 15, 2024?

16 A. The file -- the Rose Point screen  
17 display, like file format, was downloaded after they  
18 arrived in New York Harbor, and that's broken out  
19 in -- I believe it's in one-hour increments.

20 Q. And how -- when you say it was  
21 downloaded, is that right --

22 A. Yeah, correct.

23 Q. -- if I understand that correctly?

24 A. Yep.

25 Q. So what duration was downloaded?



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2 A. I don't know off the top of my head.  
3 Before and after the incident, I couldn't tell you.  
4 I know it was during the incident, but I would have  
5 to reference the time -- time stamp.

6 Q. What was done with it --

7 A. It was e-mailed --

8 Q. -- once it was downloaded?

9 A. It was e-mailed over to somebody in the  
10 Carver team.

11 Q. Somebody with --

12 A. Somebody in the Carver team, either  
13 Lenny or whomever.

14 Q. Did anybody provide it to the Coast  
15 Guard?

16 A. Yes.

17 Q. Do you know who?

18 A. I believe Lenny did it.

19 Q. Has anything been done, to your  
20 knowledge, to delete that information from the Rose  
21 Point system on the MACKENZIE ROSE?

22 A. The Rose Point data backup is only for  
23 30 days. So that's why after a post-incident, we  
24 extract the file to save it as its entirety.

25 Q. As part of your investigation, did you

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2 review the Rose Point data once it was downloaded?

3 **A. I did.**

4 Q. And what did you observe relative to  
5 the --

6 MR. RODGERS: Objection to form.

7 You can answer if you remember.

8 MR. CHAPMAN: Well, let me finish my  
9 question.

10 MR. RODGERS: Sure.

11 Q. What did you observe relative to the  
12 allision with the bridge from the Rose Point data?

13 MR. RODGERS: Well, you know, just don't  
14 answer yet.

15 **THE WITNESS: Sure.**

16 MR. RODGERS: I'd prefer you show him  
17 the Rose Point data.

18 MR. CHAPMAN: I don't have it. Okay?  
19 You guys haven't --

20 MR. RODGERS: How can you not have it?

21 MR. CHAPMAN: Because you haven't  
22 produced it.

23 MR. RODGERS: We've produced it.

24 MR. CHAPMAN: I have -- no, you didn't.

25 I have the Rose Point data that runs all the way

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2 up to about the Gilmerton reach in the southern  
3 branch of the Elizabeth River, and that's the  
4 last data. It never gets the vessel up to the  
5 bridge.

6 So I'm just asking this witness what did  
7 he see.

8 A. I would have to --

9 MR. RODGERS: Go ahead. Yeah, if you  
10 remember what you saw, go ahead.

11 A. It'd be better off to reference it  
12 again.

13 Q. I'm just testing your memory of what --

14 A. Yeah, which I -- I understand.

15 Q. What do you remember?

16 A. It was -- I remember him coming around  
17 and not having any -- any hard course changes and  
18 kind of just gradually [sic] constant radius turn  
19 right into it. But it doesn't overlay the length of  
20 the barge. It's not like a ship's overlay. It  
21 doesn't show you like true length, width. It just  
22 shows you the icon for the vessel.

23 Q. Hitting the west pier of the bridge?

24 MR. RODGERS: Objection.

25 A. Into the area --

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2 MR. RODGERS: Objection. You're asking  
3 him if the Rose Point shows the hit?

4 **A. It doesn't --**

5 MR. RODGERS: Whatever you remember  
6 or -- you can answer.

7 **A. Right. It doesn't clearly show the**  
8 **icon.**

9 Q. It shows it tracking towards the west  
10 pier of the bridge?

11 **A. Close to the west pier where the --**

12 Q. And can you see the vessel then  
13 reversing and kind of backing away from the bridge?

14 MR. RODGERS: On the Rose Point?

15 MR. CHAPMAN: On the Rose Point, yes.

16 **A. Yes. It -- it tracks the whole thing,**  
17 **every minute.**

18 Q. But my question is very specific.  
19 Can you see on the Rose Point the vessel  
20 backing away from the western pier of the bridge?

21 MR. RODGERS: On the Rose Point?

22 **A. Yeah, you could see the vessel backing**  
23 **away from the cluster of the bridge. It's -- it's**  
24 **not like it's definitive, but yes, it does back away**  
25 **after it.**

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2 Q. And I don't know how definitive the Rose  
3 Point data is, but can you see it as it transits  
4 through the opening of the bridge through the  
5 channel?

6 **A. Yes.**

7 Q. And did it appear to contact either the  
8 western or the eastern fender when doing so?

9 **A. It was -- it favored the western end of**  
10 **the channel.**

11 Q. Could you tell whether it contacted the  
12 western fender?

13 **A. No, I can't from visual.**

14 Q. If you could turn to the next page which  
15 is, I think, Distracted Operations.

16 **A. Yep. 7.2.**

17 Q. Yeah, Section 7.2. And the reference is  
18 to Carver 908.

19 MR. RODGERS: What number is -- 908?

20 Okay. Got you.

21 MR. CHAPMAN: 908, yeah.

22 Q. So in the third sentence of that first  
23 paragraph, it says Examples of inattentive operations  
24 can include eating, drinking, smoking, use of  
25 personal electronics devices including

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2 nontask-related cell phone use, and distractions that  
3 take you away from your primary duties/tasks for the  
4 safe operation of the vessel.

5 So basically, Carver is spelling out  
6 those are not allowed during the vessel operation,  
7 right?

8 **A. Correct.**

9 Q. Is this section unique to the master or  
10 the officer of the watch?

11 **A. This would be for the officer of the**  
12 **watch.**

13 Q. Okay. Because I just -- I -- it didn't  
14 say that it was --

15 **A. True.**

16 Q. -- specifically, and that's what I'm  
17 trying to understand.

18 **A. Connection. It doesn't define that. It**  
19 **could be any of the crew members aboard the vessel,**  
20 **if it's a deckhand, engineer, or whatever it may be.**

21 Q. As part of your investigation with  
22 Mr. Baldassare, did you ever learn that Captain  
23 Morrissey was distracted in any way during his  
24 operation of the vessel as a cause of the allision?

25 **A. Not to my knowledge.**

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2 Q. Did you ask him to provide his cell  
3 phone to you to see whether it indicated whether he  
4 had been using it at the time of the allision?

5 **A. We did not.**

6 Q. Was any inquiry made of him whether he  
7 was eating, drinking -- I don't know whether he  
8 smokes or not, but -- or smoking at the time of the  
9 allision?

10 **A. I didn't do the interview, so Lenny**  
11 **would know that one.**

12 Q. Is there any requirement in this  
13 distracted operations to place your cell phone in  
14 airplane mode when you are the officer of the watch?

15 **A. Not to my knowledge.**

16 Q. So if you turn to the next page, which  
17 is -- starts with Carver 8998, and titled 7.3  
18 Master's Daily Vessel Reporting.

19 I don't know whether there's actually a  
20 section in the TSMS titled 7.3 Master's Daily Vessel  
21 Reporting or if it's only this form that has to be  
22 filled out. Do you know?

23 **A. I believe this is the form number in**  
24 **Helm.**

25 Q. Yeah. No, I get that.

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2 What I'm trying to figure out is whether  
3 there's a separate section in the TSMS that may have  
4 the title 7.3 Master's Daily Vessel Reporting.

5 A. I don't know off the top of my head. I  
6 have to reference it.

7 Q. So this is a -- I'll call it a blank  
8 form which has been printed out and it's kind of --  
9 nobody's entered any data in it, correct?

10 A. Yes, sir.

11 Q. And it runs through page 906, right?

12 A. Yes, sir.

13 Q. This is submitted in Helm every day,  
14 right?

15 A. Correct.

16 Q. Or should be?

17 A. Yes, sir.

18 Q. And who at Carver reviews these forms  
19 for, I'll call it, compliance, right?

20 A. They are -- it's not auto populated to a  
21 specific individual. They're just there for  
22 reference, and if it's not done by the captain or  
23 crew, it does get added -- flagged as incomplete, so  
24 then that would raise a flag of they didn't do it.

25 Q. So in the Helm system, there's like a



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2 red mark or some kind of notification --

3 **A. Correct.**

4 Q. -- that tells you that the form has not  
5 been completed?

6 **A. Correct.**

7 Q. And how soon after the day is over does  
8 that red mark appear?

9 **A. I don't know off the top of my head.**

10 Q. Who monitors that?

11 **A. Everybody has the opportunity to monitor**  
12 **it.**

13 Q. When you say everybody, you mean you do?

14 **A. Yeah. Everybody within the Carver**  
15 **Marine Towing division.**

16 Q. Okay. So Mr. Baldassare would?

17 **A. He would also have access to it, yes.**

18 Q. So just looking at this form, it looks  
19 like there's a number of fields that have to be  
20 filled out, and then they say, over on the right-hand  
21 side of each page, Required.

22 Do you see that?

23 **A. Yes, sir.**

24 Q. And then there's a few that have --  
25 looks like a -- is this a drop-down menu? Like on

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2 the page 899, it says Lookout?

3 A. Lookout also has the options, 1.13.

4 Q. Yeah. It looks like it's required to be  
5 filled out, if that's what that word required means,  
6 but that it's a drop-down or say which -- it says no,  
7 yes or N/A.

8 A. Correct. To complete the form, all of  
9 the required boxes would have to be acknowledged.

10 Q. So only to finish until you filled out  
11 all the required?

12 A. Correct.

13 Q. Okay. So I presume N/A means not  
14 applicable?

15 A. Yes.

16 Q. Is --

17 MR. RODGERS: I'm sorry. What Bates  
18 stamp number are you on?

19 MR. CHAPMAN: 899.

20 MR. RODGERS: 899?

21 MR. CHAPMAN: Yeah.

22 Q. And if the Lookout box is checked yes,  
23 then there should be somebody's name in the next box,  
24 1.14?

25 A. Yes, sir.

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2 Q. And the times that the lookout was on  
3 watch, right?

**4 A. Yes, sir.**

5 Q. There's not a regular review of these,  
6 like somebody sits down at the end of every week and  
7 checks how they --

8 MR. RODGERS: Objection to form.

9 Q. -- checks how they filled them out or  
10 that sort of thing?

11 MR. RODGERS: Did you get -- did you get  
12 that?

13 (The record was read.)

14 MR. RODGERS: Okay. Objection, form.  
15 You can answer, Brian.

**16 THE WITNESS: Okay.**

17 MR. RODGERS: Sorry.

18 Sorry, Jim.

**19 A. I don't believe that there's somebody**  
**20 who individually looks at them.**

21 Q. Nobody is tasked with that  
22 responsibility?

**23 A. Correct.**

24 Q. Okay. Then it looks like on pages 905  
25 and 906, there's some certification requirement.

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2 A. Correct.

3 Q. And if I'm reading this correctly, on  
4 page 906, both the captain and the mate must sign  
5 this form, right?

6 A. Yes.

7 Q. So is there any place in this log where  
8 it's required to note an incident that has occurred  
9 during this date that it's being submitted for?

10 A. No, not on this form. This form is done  
11 at the end -- correction, at the beginning of every  
12 day, prior to anything transpiring.

13 Q. When you say at the beginning, like  
14 12:01 a.m.?

15 A. Correct.

16 Q. So it's really a review of the prior  
17 day?

18 MR. RODGERS: Objection to form.

19 MR. CHAPMAN: Good objection.

20 Q. It's a log of the activities of the  
21 prior day; is that correct?

22 A. I don't know if I could answer that  
23 correctly.

24 Q. Well, it's a 24-hour log, right?

25 A. Correct.

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2 Q. So it's either the day of or the day  
3 before, depending on when it's filled out?

4 **A. Correct.**

5 Q. If you wanted to create a report or  
6 print out a period of time for the specific vessel,  
7 MACKENZIE ROSE, say nine months or ten months, what  
8 would you have to do in the Helm system to produce  
9 that?

10 **A. That would require a lot of work**  
11 **individually, I believe. You would have to go**  
12 **through each individual day and pull each individual**  
13 **log and save it as a PDF.**

14 Q. And when you save something as a PDF, is  
15 there like a Save to PDF button or how does that  
16 work?

17 **A. I would have to reference it again, but**  
18 **you can go to Print and then you can change your**  
19 **formatting from Printer to a PDF.**

20 Q. Okay. So if you could turn to the next  
21 Section 7.4 on Vessel Manning --

22 **A. Yes, sir.**

23 Q. -- which is Carver 909.

24 I should ask. There's a few pages in  
25 here that have photographs imbedded in them.

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2 Are these photographs that Carver has  
3 included or are these photographs that whoever you  
4 buy the system from has included?

5 **A. These photographs are supplied by TBS.**

6 Q. Basically, this is just a direction that  
7 you have to man the vessel in accordance with the  
8 certificate of inspection, correct?

9 **A. Correct.**

10 Q. Can you turn to Section 7.12. It is  
11 Carver Bates numbered 910.

12 **A. What section was that again?**

13 Q. It's called Bridge Transit, 7.12. It is  
14 towards the end of that document.

15 **A. And the Bates number was?**

16 Q. 910.

17 It looks like this. There's a big  
18 yellow bar in the middle of it.

19 **A. Okay.**

20 Q. Found it?

21 **A. Bridge Transits. Yeah.**

22 Q. So I don't know what 7.10 or 7.11 say,  
23 but what's the reason for having a separate section  
24 in the safety management system regarding bridge  
25 transits?

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2 MR. RODGERS: Objection to form.

3 You can answer if you know.

4 **A. I don't know.**

5 Q. Is it because they're a hazardous  
6 navigational system?

7 MR. RODGERS: Objection.

8 **A. No.**

9 Q. So would you agree with me that every  
10 bridge has a certain width that you've got to pass  
11 the -- whatever you're -- whether it's your tug or  
12 you're pushing a barge through --

13 **A. Correct.**

14 Q. -- right?

15 So it's a restricted channel?

16 MR. RODGERS: Objection. He's not here  
17 as an expert.

18 You can answer as to your knowledge.

19 **A. I wouldn't say it's a restricted**  
20 **channel.**

21 Q. You would not?

22 **A. No. It's an everyday navigational**  
23 **channel, especially in Norfolk or New York.**

24 Q. Have you operated a tug in the southern  
25 branch of the Elizabeth River?

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2 A. I have spent a lot of time in the  
3 southern branch.

4 Q. And that's not for Carver, though?

5 A. Yep. With K-Sea Transportation and Vane  
6 Brothers.

7 Q. Okay. So there are -- do you know where  
8 they picked up this barge in Norfolk, or actually in  
9 Chesapeake?

10 A. Reference to the area? Yes, I'm  
11 familiar with it, all the way down the -- near the  
12 end.

13 Q. Yeah.

14 So it was picked up at a company called  
15 Coastal Precast Systems.

16 A. Correct.

17 Q. A barge loaded with some kind of recast  
18 concrete --

19 A. Yes, sir.

20 Q. -- cargo, right?

21 A. Yep.

22 Q. And do you know how many bridges they  
23 had to transit to get out to the sea buoy?

24 A. Not off the top of my head.

25 Q. More than one?



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2 A. More than one, correct.

3 Q. More than two?

4 A. More than two.

5 Q. Was there any bridge planning that you  
6 know of or that you learned of during your  
7 investigation?

8 MR. RODGERS: Objection to form.

9 You can answer if you understand the  
10 question.

11 A. They would have made radio contact with  
12 the bridge operators that are in the close --  
13 enclosed conditions. Other than that, it's a fairly  
14 open channel of water.

15 Q. So was there any consideration that you  
16 know of given to assigning a crew member with a radio  
17 to the head of the tow?

18 MR. RODGERS: Objection to form.

19 A. Not to my knowledge.

20 Q. The vessel had handheld radios, correct?

21 A. Correct.

22 Q. Right in the middle of that page,  
23 there's this kind of highlighted statement, sort of  
24 yellow or orange in color.

25 It says Under no circumstances shall the

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2 wheelman responsible for the transit make the bridge  
3 due to pressure or pride.

4 What is the purpose of that statement?

5 MR. RODGERS: Objection to form.

6 You can answer.

7 **A. I don't know.**

8 Q. Well, if you were the operator of the  
9 tug and read that before you made a bridge transit,  
10 what would be your takeaway?

11 MR. RODGERS: Objection. It calls for  
12 speculation and opinion.

13 **A. Well, I don't know how to answer that**  
14 **one.**

15 Q. I'm sorry?

16 **A. I don't know how to answer that one.**

17 Q. Well, so you're the general manager of  
18 Carver.

19 **A. Yes.**

20 Q. And you expect your employees to follow  
21 what's in this safety management system, right?

22 **A. Correct.**

23 Q. So what is your expectation about what  
24 they're going to do when it says Under no  
25 circumstances, shall the wheelman responsible for the

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2 transit make the bridge due to pressure or pride?

3 MR. RODGERS: Objection to form.

4 **A. The -- I'm --**

5 MR. RODGERS: Don't guess.

6 **THE WITNESS: Yep.**

7 MR. RODGERS: Whatever you know. Tell  
8 him what you know.

9 **A. I don't know.**

10 Q. You don't know?

11 **A. I don't know what this statement would**  
12 **lean to.**

13 Q. Not even an inkling?

14 MR. RODGERS: Objection. He's -- you're  
15 harassing the witness, Jim.

16 **A. I didn't build -- I didn't make this**  
17 **SMS, so it was here prior to me, so I'm not sure.**

18 Q. Have you ever reviewed the safety  
19 management system in your role as general manager?

20 **A. I've gone through it, yes.**

21 Q. So when you've gone through it in the  
22 past and you got to this place, what did it occur to  
23 you was meant by it?

24 MR. RODGERS: Objection.

25 **A. This is just one sentence out of**

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2 thousands in this whole thing to review. So I don't  
3 have a clear definitive answer for this statement.

4 Q. The section right underneath it is  
5 called Safety Briefing, on this page.

6 Do you see that?

7 A. Yep.

8 Q. In your investigation with  
9 Mr. Baldassare, did you find that the -- a captain  
10 responsible for the transit through the belt line  
11 bridge on June 15th, 2024 briefed the crew on the  
12 planned transit?

13 A. I would have to reference that with  
14 Lenny -- or refer that to Lenny, because it was  
15 during his initial interviews with the crews.

16 Q. You didn't ask?

17 A. No, I did not.

18 Q. Do you know whether -- under the next  
19 section that says During the transit, the first  
20 bullet says Radar should be on and set to the proper  
21 range.

22 Do you know whether the radar was in  
23 use?

24 A. Not to my -- I -- I don't know, to my  
25 knowledge.

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2 MR. RODGERS: Just to be clear, at the  
3 time of the incident?

4 MR. CHAPMAN: Yes.

5 MR. RODGERS: Okay. That's the question  
6 he's asking you.

7 **A. Yeah, I -- I don't know off the top of**  
8 **my head, to my knowledge.**

9 Q. Is that information contained in the  
10 Rose Point data that was downloaded?

11 **A. It is not.**

12 Q. Where would one obtain that information  
13 if you wanted to know whether the radar was in use at  
14 the time of the allision?

15 **A. I don't know where you would get that**  
16 **from.**

17 Q. Then the third bullet under During  
18 Transit, it says Post lookouts as necessary on the  
19 tow.

20 Do you see that?

21 **A. Yes, sir.**

22 Q. Is there any training provided by Carver  
23 regarding the circumstances under which lookouts  
24 should be posted as necessary on the tow during a  
25 bridge transit?

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2 A. I would have to reference the SMS on  
3 what the requirements would be for.

4 Q. So there might be some other section of  
5 the SMS; is that what you're saying?

6 A. It's possible. I would need to look  
7 into it.

8 Q. So if you could turn to Section 7.5.  
9 It's a little before 7.12 there.

10 A. Okay.

11 Q. And the page is Carver 000816.

12 MR. RODGERS: 7.15?

13 MR. CHAPMAN: No. 7.5.

14 MR. RODGERS: Oh, okay.

15 A. Got it.

16 Q. Okay. Towards the bottom of page 816,  
17 it says Towing vessels must be equipped with the  
18 following equipment as applicable to the area of  
19 operation. The first bullet is a fathometer.

20 Is the MACKENZIE ROSE equipped with a  
21 fathometer?

22 A. Correct.

23 Q. And do you know whether it was in use at  
24 the time of the allision with the Belt Line Bridge?

25 A. It's always in use. It doesn't turn

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2 off.

3 Q. Yeah.

4 Is that reflected in the Rose Point  
5 data?

6 A. No. They're not synced.

7 Q. So -- but you -- but it -- to your  
8 knowledge, it's always on --

9 A. Correct.

10 Q. -- right?

11 And what information will a fathometer  
12 tell you?

13 A. The under keel clearance from the  
14 tugboat.

15 Q. And do you know how deep draft the  
16 MACKENZIE ROSE is?

17 A. At the time, no, I don't know. I have  
18 an idea. She drafts 15 to 16 feet.

19 Q. And then the fathometer would tell you  
20 how much clearance there is underneath that keel  
21 draft --

22 A. Correct.

23 Q. -- to the bottom?

24 A. Correct. To the sensor on the bottom.

25 Q. And a little further down, it's like the

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2 third bullet from the bottom, it says Radars --

3 **A. Yes, sir.**

4 Q. -- as a piece of equipment.

5 Do you know how many radars there are on  
6 the MACKENZIE ROSE?

7 **A. There's two radars.**

8 Q. And the next bullet down, Handheld VHF.  
9 I assume that's a radio --

10 **A. Correct.**

11 Q. -- right?

12 Do you know how many handheld VHF's the  
13 MACKENZIE ROSE has as a complement?

14 **A. More than two. I don't know exact  
15 number, though.**

16 Q. Okay. You can turn to the next page,  
17 please.

18 In the first section there under  
19 Maintenance of Navigation Equipment, it looks like  
20 there's three paragraphs, but in the middle  
21 paragraph, the longer of the three, last sentence  
22 says The failure and subsequent repair or replacement  
23 of navigational safety equipment must be recorded.  
24 The record must be in the TVR, official logbook, or  
25 in accordance with the HSP applicable to the vessel.



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2 Can you tell us what a TVR is.

3 A. I don't know off the top of my head. I  
4 believe it's the old towing vessel record that they  
5 used to utilize before the digital logs.

6 Q. Before what?

7 A. Digital logs.

8 Q. Okay. And then the official logbook, is  
9 it -- what is that?

10 A. It would be Helm, the logbook entries in  
11 Helm.

12 Q. So is the TVR the old deck log that sits  
13 in the wheelhouse?

14 A. I -- from my history, I think -- believe  
15 the TVR is where -- the old blue logbook entries that  
16 you would submit every day as like a running deck  
17 log -- correction, as a running logbook entry.

18 Q. So it would still be submitted  
19 electronically?

20 A. TVRs were a hard copy blue book binder  
21 that was on the older towing vessels.

22 Q. Okay. And then the last one, it says Or  
23 in accordance with the HSP applicable to the vessel.

24 What is an HSP?

25 A. I don't know. I'd have to look at the

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2 key, but I couldn't tell you exactly with that one.

3 Q. So when you say the key, there's a key  
4 or a glossary or something for those --

5 A. If there was one. You would have to  
6 find a reference somewhere else.

7 Q. Okay. Then the next section says Use of  
8 auto pilot, (if equipped)?

9 A. Yep.

10 Q. So is there any time that an auto  
11 pilot -- that auto pilot use is prohibited by the  
12 company?

13 MR. RODGERS: I'm sorry. By the SMS or  
14 some other group?

15 MR. CHAPMAN: I'm just asking about  
16 Section 7.5 on navigation. It says use of auto  
17 pilot (if equipped).

18 Q. Is there any time that the company  
19 prohibits the use of the auto pilot system?

20 A. I would have to reference the SMS again.

21 Q. You would agree with me that this  
22 section doesn't prohibit it, though; is that right?

23 MR. RODGERS: Objection. Speaks for  
24 itself. Document speaks for itself. You can  
25 answer, if you read it and look at it.

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2 A. Right, I don't see anything in here that  
3 says that.

4 Q. I'm sorry. What was your answer?

5 A. Oh. So I don't see anything that says  
6 that.

7 Q. Okay. It does call out that when it's  
8 used in three different situations, the master has to  
9 ensure several things identified in those three  
10 bullets, correct?

11 A. Correct.

12 Q. Has the section on Use of Auto Pilot  
13 changed at all since June 15th, 2024?

14 A. Not to my knowledge.

15 Q. Okay. The MACKENZIE ROSE is equipped  
16 with an auto pilot system, isn't it?

17 A. Correct.

18 Q. And it has two stations, right?

19 A. Yes.

20 Q. One in the wheelhouse and one in the  
21 upper wheelhouse?

22 A. Correct.

23 Q. And the next section titled Observing  
24 the "Lookout" Policy, which states -- it's got a --  
25 it looks like, in quotation marks, the company's

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2 policy on lookouts, right?

3 A. Yes, sir.

4 Q. Okay. And then it goes on to say that  
5 the vessel operator shall appoint and instruct a  
6 qualified person to perform lookout duties in any  
7 situation deemed appropriate by the operator.

8 What training is the operator provided  
9 on making the determination as to whether it is  
10 appropriate to appoint a lookout?

11 A. I would have to reference the SMS on  
12 that one directly.

13 Q. Do you know if there's a section of this  
14 safety management system that covers training?

15 A. I would have to reference it as well,  
16 too.

17 Q. A little further down under this same  
18 section, it says In any situation he/she deems  
19 appropriate, the vessel captain on watch shall take  
20 precautions including, but not limited to, the  
21 following, and then there's, it looks like, seven  
22 bullets.

23 And the fourth one is Communicating with  
24 the company dispatcher in accordance with the vessel  
25 to dispatcher communications procedure.

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2 What is the vessel to dispatcher  
3 communications procedure?

4 **A. I don't know of a procedure in this SMS**  
5 **for that.**

6 Q. Okay. Is there any logging of  
7 communications between the vessel and the dispatcher?

8 **A. There is not.**

9 Q. There's discussion or some information  
10 about electronic charts and publications on page 819  
11 of Section 7.5.

12 **A. Okay.**

13 Q. I understood your prior description of  
14 the Rose Point system is it has all of the charts in  
15 it, right?

16 **A. It has all the charts designated to the**  
17 **vessel's area, yes. You can download additional**  
18 **charts, if you were to transit somewhere else.**

19 Q. So was it confirmed that the vessel, the  
20 MACKENZIE ROSE, had the, I'll call them, necessary  
21 charts or the charts that covered this segment of the  
22 transit from Coastal Precast on the southern branch  
23 of Elizabeth River to wherever it was going in New  
24 Jersey?

25 **A. Yes. The captain would also, or the**

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2 mate, ensure that the -- prior to any voyage, that it  
3 has the appropriate charts -- every voyage it has the  
4 appropriate charts.

5 Q. And does he log that somewhere?

6 A. No. There is a -- no, there's no logs  
7 for that.

8 Q. And how does he know that he has all the  
9 charts, then?

10 A. He would probably -- well, assumption,  
11 but you would have to know where your origin and  
12 destination port is, and then scroll through Rose  
13 Point to ensure that every chart is there, from start  
14 to end.

15 Q. So it's basically a manual check --

16 A. Correct.

17 Q. -- on what electronic information is in  
18 Rose Point?

19 A. Correct.

20 Q. And if he is missing a chart, what then?

21 A. I would have to reference it, but you  
22 can then go into the chart catalogue and then  
23 download said chart that you need.

24 Q. And the company pays the bill for that?

25 A. Yeah.

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2                   Q.       All right. Moving to the Section 7.9 on  
3 Voyage Planning. It's the next one in there --

4                   **A.       Okay.**

5                   Q.       -- which is Carver 897.  
6                               Do you have that?

7                   **A.       Yes.**

8                   Q.       It mentions in that first paragraph The  
9 Voyage Planning Data Book is to be used for the  
10 planning as well as the following.

11                           And what is the Voyage Planning Data  
12 Book?

13                   **A.       It is a form in -- within Helm that**  
14 **covers from Maine all the way down to Florida and the**  
15 **Gulf of Mexico region of particulars to look out for;**  
16 **bridges, navigation, obstructions, vessel traffic**  
17 **services, and other local knowledge that might be**  
18 **prudent to the voyage.**

19                   Q.       So it's a Helm form labeled 7.9 or  
20 something?

21                   **A.       Yeah. Not necessarily a form, but it is**  
22 **a document contained inside of Helm.**

23                   Q.       And does it have to be filled out in  
24 some way?

25                   **A.       That is not filled out. That is just a**

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2 document that they can open up and reference for  
3 their area.

4 Q. Under the first bullet, it says  
5 Applicable information from nautical charts and  
6 publications. See paragraph (b) of some other  
7 section. I don't know what 164.72 is. But including  
8 Coast Pilot, Coast Guard Light List and Coast Guard  
9 Local Notice to Mariners for the port of departure,  
10 all ports of call and the destination.

11 Do you know whether horizontal bridge  
12 clearances would be on either the charts or the Local  
13 Notice to Mariners or the Coast Pilot?

14 A. The bridges you mentioned are located on  
15 all charts, navigation charts.

16 Q. You can see basically where the channel  
17 opening is and then where the obstructions are, if  
18 there are any?

19 A. Yeah, correct. Within the navigational  
20 channel, and it also identifies the air clearance,  
21 vertical clearance, horizontal clearance, and the  
22 type of bridge it is.

23 Q. About midway down, the -- it looks like  
24 the fourth bullet says Forward and after drafts of  
25 the barge or barges and under keel and vertical



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2 clearances (air gaps) for all bridges, ports and  
3 berthing areas.

4 Is there some specific section of this  
5 data -- voyage planning data book that highlights all  
6 that or spells it out that you have to consider when  
7 you're making or planning a voyage?

8 **A. You would reference the voyage planning**  
9 **data book. As for the air drafts and horizontal**  
10 **clearances, that, I do not know, but you would**  
11 **reference the navigational chart.**

12 Q. Are the drafts, forward and after drafts  
13 of the barges or barge, actually recorded somewhere?

14 **A. I would have to reference into that,**  
15 **where they would enter that in.**

16 Q. Okay. The last two bullets in this  
17 section are The voyage plan is recorded on 7.9 Voyage  
18 Planning Form.

19 So it sounds like there is a form to be  
20 filled out for the voyage planning?

21 **A. There is, but you would note your deep**  
22 **draft of the vessel --**

23 Q. Okay.

24 **A. -- not necessarily the barge, I believe.**

25 Q. The Voyage Planning Form, who fills that

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2 out?

3 A. The officer of the watch, if it's -- it  
4 could be the captain or the mate, whoever's doing it  
5 prior to departure.

6 Q. Whoever the person that's on watch --

7 A. Correct.

8 Q. -- that has the license?

9 A. Yep.

10 Q. Okay. And then last, it says Conduct a  
11 risk assessment using 9.4 Risk Assessment form -- or  
12 excuse me, 9.4 Risk Assessment-GAR form.

13 Do you know what that is?

14 A. I know what the Risk Assessment form is.  
15 I don't know what -- I don't know what GAR stands  
16 for.

17 Q. So is a Risk Assessment form something  
18 else that also has to be filled out?

19 A. Only if it's outside of the ordinary  
20 operations.

21 Q. And is there something that specifies  
22 when you have to fill out the Risk Assessment form  
23 and when it's not required?

24 A. I would have to look at 9.14, the risk  
25 assessment.

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2 Q. You said 9.14?

3 A. Oh, sorry. Correction.

4 9.4. I would have to reference the risk  
5 assessment.

6 Q. Okay. Well, that wasn't in the  
7 documents that were produced, so we'll figure that  
8 out.

9 So the next section is 7.9K titled  
10 Navigation Watch Assessment, Norfolk, Virginia Data.

11 Do you see that?

12 A. Yes, sir.

13 Q. Starts on page Carver 000194, right?

14 A. Yes.

15 Q. So we looked at 7.9, Bridge Planning,  
16 and now we're kind of -- the next thing that was  
17 produced to us, anyway, was 7.9K, which looks like it  
18 covers just Norfolk, Virginia, and the southern  
19 branch; is that right?

20 A. Yes, I believe so.

21 Q. It looks to me like it includes a few  
22 bridges in Norfolk or along the southern branch; is  
23 that correct?

24 A. Yes.

25 Q. And it looks like the -- it starts with

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2 the Norfolk and Portsmouth Belt Line Bridge, right?

3 A. Yes.

4 Q. And that's at mile marker 9.9, right?

5 A. Correct.

6 Q. And mile marker 9.9 is with reference to  
7 what?

8 A. That one, I do not know off the top of  
9 my head.

10 Q. Okay. But -- and that's measured in  
11 nautical miles, isn't it?

12 A. Mile markers on the intercoastal I  
13 believe are measured in statute miles.

14 Q. Statute miles?

15 A. Correct.

16 Q. Okay.

17 A. And then -- it's an assumption, but...

18 Q. All right. So -- then the next page has  
19 got the Jordan Bridge and the Norfolk Southern  
20 Railway Bridge, and then the last two on the  
21 following page are the Gilmerton Bridge and the I-64  
22 Bridge, and the location of each bridge. The mile  
23 marker location is stated for each, right?

24 A. Correct.

25 Q. So if I told you that during this

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2 transit from Coastal Precast Systems, the barge being  
3 pushed by the tug had to transit from the Gilmerton  
4 Bridge or through the Gilmerton Bridge, through the  
5 Norfolk Southern Railway Bridge, through the Jordan  
6 Bridge and ultimately, to arrive at the Norfolk and  
7 Portsmouth Belt Line Bridge, that would involve a  
8 transit of a little over five miles, assuming those  
9 mile marker locations are correct?

10 **A. Correct.**

11 Q. Okay. And during your investigation,  
12 did you learn anything about the speed of the  
13 MACKENZIE ROSE while it was made up and pushing gear  
14 to the barge from when it left the dock at Coastal  
15 Precast to up until it allided with the bridge?

16 **A. I would have to reference the Rose Point**  
17 **data. I don't remember it specifically.**

18 Q. That would -- that is a data point that  
19 would be contained in the Rose Point data?

20 **A. Correct.**

21 Q. And do you know how often that data is  
22 captured in Rose Point? Like is it every minute,  
23 every 30 seconds, or do you know?

24 **A. It's very frequent. I don't know**  
25 **exactly how many seconds in between.**

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2 Q. And I think you said earlier you can  
3 look at it in like one hour chunks --

**4 A. Correct.**

5 Q. -- right? Okay.

6 Incident to your investigation, did you  
7 ever see any video of the barge in operation before  
8 it allided with the bridge?

9 MR. RODGERS: Before he met with his  
10 attorneys?

11 MR. CHAPMAN: Yeah. I'm asking during  
12 his investigation.

13 MR. RODGERS: Okay.

14 MR. CHAPMAN: Yeah.

**15 A. Yeah, only with counsel that I had seen**  
**16 the --**

17 MR. RODGERS: All right. No, that's  
18 what you looked at.

19 MR. CHAPMAN: That's fine.

20 MR. RODGERS: So just -- I'm sorry, Jim.  
21 So he's clear, you didn't -- during your  
22 investigation, you didn't look at the video?

**23 THE WITNESS: I seen the video after the**  
**24 fact with counsel.**

25 MR. RODGERS: Okay.

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2 THE WITNESS: That wasn't provided  
3 before that to me.

4 Q. Okay. If you could look on page 199 of  
5 Section 7.9K. At the very end, it has something  
6 that's called a Disclaimer. 7.9.K.9, Disclaimer?

7 A. Yes, sir.

8 Q. So is that a disclaimer that the --  
9 this, you know, marine safety and compliance group,  
10 TBS group, whoever supplied this system to you  
11 included, or is this a disclaimer by Carver that is  
12 included in its own safety management system?

13 A. This all came directly from Tug & Barge,  
14 TBS, Tug & Barge Solutions.

15 Q. Okay. So then the next section is 7.9P,  
16 starting at page Carver 000201.

17 A. Yes, sir.

18 Q. It says Safety Management Form, 7.9P,  
19 Navigation watch assessment in Norfolk, Virginia to  
20 North Carolina/South Carolina state line data.

21 So it looks like it covers about 340  
22 miles of the intercoastal from mile marker zero down  
23 to mile marker 340.8; is that right?

24 A. Yes.

25 Q. So is this the voyage planning data

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2 book?

3 MR. RODGERS: I'm sorry -- could you --  
4 is what the voyage, that page?

5 MR. CHAPMAN: Well, these pages, which  
6 start at 201 and go through -- it says it's 26  
7 pages long. So it says at the bottom page 1 of  
8 26, and then it runs through 26 of 26, from  
9 Carver 000201 through Carver 000226.

10 Q. I'm just trying to understand if this is  
11 the document that's referenced in 7.9, Voyage  
12 Planning, as the planning data book.

13 A. To the best of my knowledge it is, yes.

14 Q. Okay. And it appears to provide  
15 essentially the same information about those first  
16 few pages that we looked at in 7.9K, but continues  
17 all the way down to the South Carolina line, like  
18 every bridge that could be encountered?

19 A. Yes, sir.

20 Q. Okay. There's a lot of information  
21 that's provided about bridges in this TSMS. It makes  
22 me think it's important to the safe operation of the  
23 tug.

24 A. Well, there's a lot of bridges in every  
25 part of a navigation channel. All -- anything that's



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2 not in a navigation channel should be -- is  
3 important.

4 Q. Okay. So are there other parts of this  
5 SMS that describe other areas that don't involve  
6 bridges, to your knowledge, that are important to the  
7 navigation of the vessel?

8 A. In reference to like?

9 Q. Safety.

10 MR. RODGERS: Objection to form.

11 A. I -- there's a lot of it in the SMS, so  
12 I would have to reference to what it may be. I don't  
13 know -- I don't know that off -- it's like  
14 open-ended. I don't know.

15 Q. Well, what other things would you think  
16 are important besides bridge transits --

17 MR. RODGERS: Objection --

18 Q. -- relative to the safety of vessel  
19 operations?

20 MR. RODGERS: Objection to form. You  
21 can answer if you understand the question.

22 A. To me, also drills, compliance of the  
23 vessel to ensure that it's safe and sea-worthy.

24 Q. Yeah. I'm more focused on the voyage  
25 itself, like what other --

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2 A. Weather.

3 Q. -- call them hazards, obstructions,  
4 whatever you want to call them, right?

5 A. Yeah, that would be noted on the chart  
6 itself. But weather planning, anything that might  
7 occur in VTS manuals. So there's a lot of -- in this  
8 industry, there's a lot of hazards that -- if you  
9 look at them, that you take in your daily -- you take  
10 in your daily operations when you're providing a safe  
11 navigation.

12 Q. So bridges are just one of them?

13 A. Correct.

14 Q. Okay.

15 All right. Now, if you could go to the  
16 end of that. I've already asked some questions about  
17 7.12 on Bridge Transits, which is the next section.

18 A. Yes, sir.

19 Q. And the very next page is Section 7.16  
20 on Lookouts, which is Carver 000155.

21 Do you have that there?

22 A. Yes.

23 Q. Under the second section there, it says  
24 Requirements for a Lookout.

25 A. Yes.

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2 Q. It's got six bullets to consider. In --  
3 I'm just reading this. In determining the  
4 requirement for a lookout, the person in charge of  
5 the navigation watch must take full account of the  
6 relevant factors including, but not limited to, and  
7 then there's six bullets.

8 And I want to ask you about the fourth  
9 one there, which is Proximity of dangers to  
10 navigation.

**11 A. Okay.**

12 Q. So what is a danger to navigation?

13 MR. RODGERS: Objection. He's not here  
14 as an expert witness.

15 Are you asking him his understanding?

16 MR. CHAPMAN: Well, I'm just asking him  
17 as the general manager of the company, what's a  
18 danger to navigation in their line of business?

19 MR. RODGERS: Objection.

20 You can answer as to your understanding,  
21 if you have any.

**22 A. Anything that is a risk to people,**  
**23 property or environment.**

24 Q. Would that include bridges?

25 MR. RODGERS: Objection to form.

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2 A. It's part of their regular navigation  
3 that they incur every day.

4 Q. But they present a danger to navigation,  
5 don't they?

6 MR. RODGERS: Objection, argumentative.  
7 Objection.

8 You can answer if you understand.

9 A. I don't understand.

10 Q. You don't understand a bridge as being a  
11 danger to navigation?

12 MR. RODGERS: Objection, argumentative.  
13 You're harassing the witness now.

14 A. I don't know how to answer that one.

15 (DIR)

16 MR. RODGERS: Objection. No -- just  
17 don't answer.

18 You're asking his opinion. He's not  
19 here as an expert.

20 Q. This is Carver's safety management  
21 system, correct?

22 A. Correct.

23 Q. Okay. And under this section on  
24 Requirements for Lookout, one of the things to  
25 consider is the proximity of dangers to navigation.

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2 Yes?

3 **A. Yes.**

4 Q. My question is really simple.

5 Is a bridge a danger to navigation?

6 MR. RODGERS: Objection. He's not here  
7 as an expert. He's here in his capacity at  
8 Carver.

9 You're asking him expert testimony, and  
10 you're being argumentative.

11 MR. CHAPMAN: I'm just trying to get an  
12 answer, sir.

13 MR. RODGERS: Well, I already told him  
14 not to answer, if it's going to be an opinion.

15 MR. CHAPMAN: So is -- are you  
16 instructing --

17 MR. RODGERS: He's already told you he  
18 doesn't -- he told you he doesn't have an  
19 answer, then you're argumentative. So he's  
20 answered the question.

21 MR. CHAPMAN: Are you instructing the  
22 witness not to answer the question?

23 MR. RODGERS: I already did, and he  
24 already answered the question, so I think it's  
25 moot.

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2 MR. CHAPMAN: Well, I disagree. He has  
3 not answered the question.

4 A. Well, I think if you look at all the  
5 factors into this, but not limited to, like it says,  
6 that you're taking all of this into your daily  
7 prudent navigational assessment of something; that  
8 you're going to look at everything as a danger. It's  
9 including recreational vessels, including the  
10 weather, including whatever it may be, from A to B,  
11 and as long as it's part of on the water, then  
12 everything is to be looked at independently.

13 Q. Including bridges?

14 MR. RODGERS: Objection to form.

15 A. It doesn't say that. So I don't know  
16 how to reference what the proximity of the dangers to  
17 navigation would be.

18 Q. What training is provided to the officer  
19 of the watch regarding dangers to navigation and the  
20 need to post a lookout?

21 MR. RODGERS: Objection to form.

22 A. You would have to look at -- further  
23 into the SMS to see what defines it.

24 Q. Could you turn to Section 8.8, which I  
25 think is the next page --

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2 A. Yes.

3 Q. -- Carver 000162.

4 During the course of your investigation,  
5 did you learn whether there had been any kind of  
6 failure of steering that caused the allision?

7 A. No, not to my knowledge that there was  
8 any failure of it.

9 Q. Had there been any problems with the  
10 auto pilot system on the MACKENZIE ROSE in the months  
11 in 2024 preceding the allision on June 15th, 2024?

12 A. There were some instances where we --  
13 that the crews noted deficiencies in the auto pilot  
14 system. So dating back to, I don't know, late '23  
15 that we started working on it and addressing it.

16 Then they were in -- they weren't  
17 consistent, so -- and then when we replaced the  
18 system in April, the whole -- I believe it was April,  
19 that's when the inconsistencies started to go away,  
20 and we didn't have any other issues with the auto  
21 pilot since then.

22 Q. So when -- you said the auto pilot  
23 system was replaced in April of 2024?

24 A. It started in -- I believe it started in  
25 November with technicians, and then ended up in April

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2 with some various techs to come aboard and to go  
3 through the system to groom it up.

4 Q. And there were no problems with it  
5 thereafter?

6 A. No, sir.

7 Q. Could you turn to the next section,  
8 which is titled 9.5, Accident/Incident Reporting.

9 A. Right.

10 Q. And it begins with Carver 000163 through  
11 Carver 000169.

12 Now, we looked at a report earlier which  
13 was marked Exhibit 3.

14 A. Okay.

15 Q. You still have that there --

16 A. Yes, sir.

17 Q. -- right?

18 And at the top it says 9.5, Incident  
19 Report. That's the report when Captain Morrissey,  
20 while operating the MACKENZIE ROSE, allided with the  
21 pier in Charleston, right?

22 A. Yes.

23 Q. Okay. So that report looks like it's  
24 related to this section of the safety management  
25 system on accident and incident reporting; is that



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2 right?

3 **A. I believe so, to the best of my**  
4 **knowledge.**

5 Q. So at the very top of page 163, it says  
6 Reporting Priorities in a -- kind of a callout box  
7 that is orange-ish in color.

8 There's a call-out box that's orange-ish  
9 in color, right?

10 It says The master will notify the  
11 office as soon as practicable after a marine  
12 casualty.

13 And then The master will notify the  
14 nearest Coast Guard unit as soon as practicable after  
15 a marine casualty.

16 And it looks like it's -- those are two  
17 obligations of the master, right?

18 **A. Okay.**

19 Q. So who was the master of the MACKENZIE  
20 ROSE on the date of the casualty, the date of the  
21 allision with the Belt Line Bridge?

22 **A. The master was -- oh, I don't -- I'm**  
23 **drawing a blank of his name right now.**

24 Q. The deceased --

25 **A. Yes.**

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2 Q. The deceased, Captain Miller?

3 A. Chris. Chris Miller.

4 Q. Okay.

5 A. Yes, sir.

6 Q. Okay. So it was his obligation to  
7 notify the office, right?

8 A. Yes.

9 Q. And then it was his obligation to notify  
10 the Coast Guard, right?

11 MR. RODGERS: Objection to form.

12 Q. That's what it says in your 9.5.

13 A. Yeah. Then it also says The master may  
14 designate the reporting to another person of the  
15 crew. Yeah.

16 Q. It doesn't relieve the master of the  
17 responsibility of notifying the Coast Guard, correct?

18 MR. RODGERS: Objection. Argumentative.  
19 The document speaks for itself.

20 Q. Right?

21 A. Oh. Well, looking at this, it's also  
22 common practice for a person at shore to do it as  
23 well, because the master has to regain control of his  
24 vessel if there's a larger issue. So usually, the  
25 shore side of any company will notify it.

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2 Q. It says The master may designate the  
3 reporting to another person on the crew if it is not  
4 practical for him/her to make the reports.

5 It doesn't say that the master may  
6 designate the reporting to another person not in the  
7 crew, correct?

8 **A. It does not say that.**

9 Q. Okay. So was the master of the  
10 MACKENZIE ROSE the first person to notify  
11 Mr. Baldassare?

12 **A. That, I don't know.**

13 Q. It is fair to say the master never  
14 notified the Coast Guard of the allision with the  
15 bridge, correct?

16 MR. RODGERS: Objection. You're talking  
17 about on the day of?

18 MR. CHAPMAN: On the day of.

19 **A. Not to my knowledge.**

20 Q. Okay. So below that orange-ish box, it  
21 looks like 46 CFR 4.03-1 regarding Marine Casualty or  
22 Incident is reprinted verbatim, right?

23 **A. Yes, sir.**

24 MR. RODGERS: What is the doc -- the  
25 Bates number?

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2 MR. CHAPMAN: Carver 000163.

3 MR. RODGERS: 168? No?

4 MR. CHAPMAN: No, 163.

5 Q. And it describes what the -- a marine  
6 casualty or incident is, and it talks about the need  
7 to report them, correct?

8 **A. Yes.**

9 Q. So under, it looks like, paragraph No. 4  
10 on that page, towards the bottom, it says Any  
11 incident described below (from 46 CFR 4.05-1(a).  
12 That's a mouthful.

13 But the very first one is An unintended  
14 grounding, or an unintended strike of a bridge,  
15 right?

16 You see that?

17 **A. Yes.**

18 Q. So this is not based on whether there  
19 was any visible damage, observable damage or like  
20 wheel damage, it's just if there is an allision, it  
21 has to be reported, right?

22 MR. RODGERS: Objection. The document  
23 speaks for itself.

24 Q. Correct?

25 **A. With a bridge separate from a fendering**

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2 system.

3 Q. Just so I'm clear, you're taking the  
4 position that because it was only reported to you or  
5 to Mr. Baldassare that the vessel allided with the  
6 fendering system, that it wasn't required to report  
7 that to the Coast Guard at that instant in time?

8 MR. RODGERS: Objection to form. You're  
9 asking for his opinion or what he did?

10 MR. CHAPMAN: I'm asking to understand  
11 why the Coast Guard wasn't contacted --

12 MR. RODGERS: Okay. Coast Guard --

13 MR. CHAPMAN: -- in the context of this  
14 regulation and --

15 MR. RODGERS: You don't know if the  
16 Coast Guard was contacted or not because you  
17 haven't deposed everybody. So you know, if you  
18 want to argue with him, you're assuming a fact  
19 not into evidence yet, as to who and when  
20 Lieutenant Palomba was either called or who she  
21 called, which has not been established yet by  
22 actual knowledge.

23 A. But also on here it just says Allision  
24 of a bridge that creates a hazard to navigation, the  
25 environment or safety of the vessel -- creates a

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2 hazard to navigation -- a hazard to navigation, the  
3 equipment or the safety of the vessel or that meets  
4 any creditation of paragraphs (a)(3) through 8.

5 Q. So you're reading at subnumeral iis?

6 A. Yes, sir.

7 Q. And it starts with An unintend -- excuse  
8 me, An intended grounding or an intended strike of a  
9 bridge. Right?

10 Are you saying that Captain Morrissey  
11 intended to strike the Belt Line Bridge?

12 MR. RODGERS: Objection. Argumentative.  
13 He's not here as an expert.

14 MR. CHAPMAN: Well, he's the one who  
15 read it to me. I'm just trying to understand --

16 MR. RODGERS: All right. Well, it's --

17 MR. CHAPMAN: -- the reasons for that.

18 MR. RODGERS: He's not here as an  
19 expert. He's here as a fact witness. Please  
20 ask him what he knows.

21 A. Right. So I was just reading this. So  
22 by reading the first section of i versus iis.

23 So it would have to be looked into  
24 further.

25 Q. Do you have any information that Captain

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2 Morrissey intended to strike the bridge?

3 **A. No.**

4 Q. So your investigation informs you that  
5 it was an unintended strike of the bridge?

6 **A. Yes.**

7 Q. And as an unintended strike of the  
8 bridge, your safety management system obligates you  
9 to follow the Code of Federal Regulations to  
10 immediately notify the Coast Guard, doesn't it?

11 MR. RODGERS: Objection. There's no  
12 evidence that the company did not notify the  
13 Coast Guard.

14 **A. I didn't notify the Coast Guard.**

15 Q. Did anybody on behalf of Carver notify  
16 the Coast Guard?

17 MR. RODGERS: If you know. Don't guess.

18 **A. I don't know.**

19 Q. If you could turn to the next page,  
20 Carver 000164.

21 **A. Okay.**

22 Q. About two-thirds of the way down in the  
23 page, it says -- there's a heading called Notice of  
24 Marine Casualty --

25 **A. Yes.**

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2 Q. 46 CFR 4.05-1.

3 So in Section A, it says Immediately  
4 after the addressing the resultant safety concerns,  
5 the owner, agent, master, operator, or person in  
6 charge shall notify the nearest sector office, marine  
7 inspection office, or Coast Guard group office  
8 wherever a vessel is involved in a marine casualty  
9 consisting in section 1, an unintended grounding or  
10 an unintended strike of (allision with) a bridge.

11 Do you see that?

12 **A. Yes.**

13 Q. Did anyone, to your knowledge, on behalf  
14 of Carver or the vessel, notify any of those Coast  
15 Guard operations immediately after addressing  
16 resultant safety concerns from the --

17 MR. RODGERS: Same objection.

18 Q. -- from the allision on June 15th, 2024?

19 **A. I didn't notify any of these identified**  
20 **groups, so I don't know who was --**

21 Q. And my question was a little broader  
22 than that; if you know of anybody on behalf of Carver  
23 that did that.

24 **A. Not to my knowledge.**

25 Q. Okay. Were there any resultant safety



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2 concerns for the vessel or the barge or the crew  
3 resulting from the allision with the bridge on  
4 June 15th, 2024?

5 A. No.

6 Q. So there is a -- kind of a flowchart on  
7 page 00166.

8 Do you see that?

9 A. Yep.

10 Q. Okay. And it looks like it pertains to,  
11 you know, if there's damage to the towing vessel or  
12 the barges or an allision with a fixed object or an  
13 aid to navigation, right?

14 A. Yes, sir.

15 Q. And this is sort of a flowchart of what  
16 to do --

17 A. Yes.

18 Q. -- right?

19 And who is this directed to? Who's  
20 supposed to follow this flowchart when this happens?

21 A. I don't know. It doesn't clearly  
22 identify that.

23 Q. So it's not a very clear flowchart in  
24 terms of who's responsible for this?

25 A. This one does not say it.

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2 Q. I'm sorry?

3 A. It does not say it.

4 Q. So a lot of these boxes are green or  
5 shades of green, but there's one kind of in the  
6 middle of the -- near the top, but in the color  
7 scheme, looks like it's sort of yellowish --

8 A. Yes.

9 Q. -- that says file SMF 9.2, Near Miss  
10 Report?

11 Do you see that?

12 A. Yes.

13 Q. So what is an SMF?

14 A. I do not know what SMF is.

15 Q. Okay. And at the very bottom in red, it  
16 says Fill out SMF 9.5 Incident Report, right?

17 A. Yes.

18 Q. Is an SMF 9.5 different from an SMF 9.2?

19 A. There are two different reports.

20 There's incident reports and there's incident -- I'm  
21 sorry, there's near miss reports and then there's  
22 incident reports.

23 Q. And is a near miss report a 9.2 report?

24 A. Yes.

25 Q. And an incident report is a 9.5 report?

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2 A. Correct.

3 Q. And we saw the 9.5 report, which is  
4 marked as Exhibit 3, when Captain Morrissey -- well,  
5 kind of the MACKENZIE ROSE hit that pier in  
6 Charleston --

7 A. Right.

8 Q. -- correct, 9.5?

9 And I've asked you a bunch of questions,  
10 whether there's a 9.5 report for the allision with  
11 the Belt Line Bridge, and your answer, my  
12 recollection, is I don't know.

13 A. I would have to reference it.

14 Q. I'm sorry?

15 A. I would have to reference it.

16 Q. Yeah. Okay.

17 I'll tell you, we haven't received one,  
18 okay? That's why I'm asking.

19 A. Okay.

20 Q. Do you know if there is a 9.2 near miss  
21 report for the allision with the bridge on June 15th,  
22 2024?

23 A. It's another one that I would have to go  
24 and reference.

25 Q. But those would be the only two types of

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2 reports that the company would make pursuant to this  
3 safety management system; is that right?

4 A. Correct.

5 Q. Okay. In very small print near the  
6 bottom of this flowchart, over in kind of the  
7 right-hand corner, it says See injury flowchart on  
8 page 7.

9 A. Okay.

10 Q. And if you turn the page, there's like  
11 two more flowcharts, right?

12 Do you know whether -- so there's three  
13 more flowcharts on the next three pages.

14 Are any of them the injury flowchart  
15 that's referenced in -- referenced on page 166?

16 A. None that I could see.

17 Q. Would those be for personal injuries or  
18 property damage, or do you know?

19 A. They would be for personal injuries,  
20 medical-related.

21 Q. Not property damage?

22 A. I -- not to my knowledge, no.

23 Q. All right. So if you turn to the next  
24 page, which is 167 --

25 A. Okay.

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2 Q. -- am I correct that this is a -- some  
3 kind of flowchart or some -- I don't know whether  
4 it's a flowchart, but -- I don't know what you would  
5 call it, but it pertains to some kind of  
6 environmental problem, like an oil spill?

7 **A. Correct.**

8 Q. And then it's only in play if it's an  
9 oil spill or some kind of discharge?

10 **A. I believe so.**

11 Q. I want to ask, at the very lower  
12 right-hand corner, the box in the lowest right-hand  
13 corner on page 167, it references a DP.

14 The DP should be on scene to gather  
15 statements, coordinate communications, take  
16 photos/video and compile data.

17 What's a DP?

18 **A. I would have to reference it, but I**  
19 **believe it's designated person.**

20 Q. Sometimes referred to as a designated  
21 person ashore?

22 MR. RODGERS: Objection.

23 Q. Or do you know?

24 **A. No, I don't know.**

25 Q. So who in Carver -- Carver Marine Towing

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2 is the designated person?

3 A. That would be me.

4 Q. You?

5 A. Yes, sir. That -- correction. I'm a  
6 designated person ashore.

7 Q. You're the DPA?

8 A. Yeah.

9 Q. So in this circumstance, who is the --  
10 is there somebody else that's a designated person  
11 besides you?

12 A. We'd have to reference to see who it is,  
13 but usually it's the captains are the designated  
14 persons, because they're the -- always there at the  
15 incidents.

16 Q. Okay.

17 MR. CHAPMAN: We have to take a break,  
18 because the videographer has informed us there's  
19 only a couple of minutes left on our tape.

20 THE WITNESS: Okay.

21 MR. CHAPMAN: So we will take a short  
22 break.

23 THE VIDEOGRAPHER: We are going off the  
24 record. The time is 3:16 p.m.

25 (There was a recess taken.)

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2 THE VIDEOGRAPHER: Beginning Media No.

3 4. We are back on the record. The time is 3:24  
4 p.m.

5 BY MR. CHAPMAN:

6 Q. Mr. Moore, the next page in this exhibit  
7 number Carver 000168 has another flowchart.

8 A. Yes, sir.

9 Q. Does this also pertain to chemical  
10 releases or oil spills or is this something  
11 different?

12 A. That one, I could not tell you clearly.

13 Q. In the red box in the middle near the  
14 top, it says Designated person assumes position as  
15 emergency response coordinator for life of incident.  
16 Would you be the designated person?

17 A. I think there's -- needs to be clarity  
18 of designated person ashore versus designated person.

19 Q. Is there some other place in the SMS  
20 where it defines that or describes that so that we  
21 would know which one is being referred to here?

22 A. I don't know off the top of my head. I  
23 would have to look into it.

24 Q. You said earlier that you were the  
25 designated person for maybe certain things. I'm not

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2 sure.

3 Is that -- is there some document that  
4 says Brian Moore is the designated person for A, B,  
5 C, D, E or something along those lines?

6 **A. There's a designated person ashore**  
7 **section, and that --**

8 Q. Of the SMS?

9 **A. Correct.**

10 -- and that would reference anything on  
11 it. I have to look at it.

12 Q. And would it actually spell out who that  
13 person is?

14 **A. Yes.**

15 Q. Do you know when this SMS was adopted by  
16 Carver?

17 **A. Before my hiring. I don't know.**

18 Q. Just looking at all this, you know,  
19 revision date, every one of these pages I think says  
20 July 1, 2021.

21 Is that when it was first adopted --

22 **A. I --**

23 Q. -- do you know?

24 **A. That, I do not know.**

25 Q. If you turn to the next page, Carver



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2 000169, it looks like -- at the top it says it's a  
3 CG-2692 flowchart --

4 A. Yes, sir.

5 Q. -- right?

6 What is a CG-2692?

7 A. It stands for a Coast Guard 2692  
8 reportable incident form.

9 Q. And this is the steps you're supposed to  
10 follow to fill it out or the circumstances under  
11 which you have to submit one?

12 A. I would have to look into it, but I  
13 haven't referenced this one in quite a while.

14 Q. Well, the very top color block, which is  
15 sort of blue-green, says that you have to submit one  
16 for an unintended grounding or an unintended strike  
17 of (allision with) a bridge, right?

18 A. It does say that, yes.

19 Q. And we're going to get to the one that  
20 you submitted, but -- because I know there is one.  
21 We were provided a copy.

22 At the very end of this page, it says  
23 Drug and Closing Testing.

24 And just confirming, there was no drug  
25 and alcohol testing done on any member of the crew as

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2 a result of this allision with the Norfolk and  
3 Portsmouth Belt Line Bridge during the time allowed  
4 by the Coast Guard, correct?

5 **A. I would have to refer to Lenny on that**  
6 **one, what was called in; and I don't know off the top**  
7 **of my head.**

8 Q. At the very end, it says See Section 6.

9 Do you know what Section 6 is that is  
10 being referred to?

11 **A. I do not.**

12 Q. If you could turn to the next page,  
13 Carver 000886. This is the first of four pages that  
14 are somehow related to the health and safety plan  
15 within the safety management system, right?

16 **A. Yes, sir.**

17 Q. Under No. 6 on the left-hand column, it  
18 refers to a section of the Code of Federal  
19 Regulations, and then it says there's a requirement.

20 And it says that All machinery and  
21 equipment that is not in proper working order,  
22 (including missing or malfunctioning guards or safety  
23 devices), must be removed, made safe through marking,  
24 tagging or covering, or otherwise made unusable.

25 This doesn't appear to distinguish

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2 like -- I assume that it relates to whatever's on the  
3 vessel, but is there any definition of equipment that  
4 excludes navigational equipment or steering  
5 equipment?

6 **A. Not to my knowledge. We would have to**  
7 **look into that further.**

8 Q. So if there was something that was not  
9 in proper working order in the nature of the steering  
10 equipment or the navigation equipment, there would be  
11 a requirement to either remove it, make it safe  
12 through marking, tagging or covering or otherwise  
13 making it unusable?

14 MR. RODGERS: Objection. It's citing a  
15 CFR statute, and he's not here to opine on the  
16 CFR statute or section. And you're just reading  
17 from this, so the document speaks for itself.

18 **A. I would have -- I would have to look**  
19 **into the health and safety within the TSMS.**

20 Q. If you turn over to page 3 of 4 of this  
21 document, which is Carver 000888, about the middle of  
22 that page, you see reference line -- a No. 31?

23 **A. Yes, sir.**

24 Q. And the requirement is Procedures for  
25 reporting unsafe conditions?

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2 A little further over, there's a  
3 reference to -- it says 2.3 and then S/6.11.

4 Do you know what those are references  
5 to?

6 A. Not off the top of my head, but  
7 something in the TSMS/HSP.

8 Q. Okay. Something in the safety  
9 management system --

10 A. Right.

11 Q. -- like another section?

12 A. Yes, sir.

13 Q. Okay. And then likewise, on the last  
14 page, the very last numbered line, it says Carver  
15 000889, says 43. The requirement is All training  
16 required in this section must be documented in owner  
17 or managing operator's records. And then there's  
18 a -- looks like a reference to SMF 2.3 and S/Helm.

19 Do you know what those are?

20 A. Helm, I do. I don't know what SMF  
21 stands for. I would have to look into that one.

22 Q. All right.

23 MR. CHAPMAN: Would you mark that as  
24 Exhibit 5, please.

25 (Exhibit 5, Crew Matrix of MACKENZIE

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2 ROSE, marked for identification, as of this  
3 date.)

4 Q. You've been handed Exhibit 5, one page,  
5 numbered Carver 000050, titled Tug MACKENZIE ROSE  
6 Crew Matrix, on June 15, 2024.

7 To your knowledge, are these the five  
8 individuals that were assigned to the crew at the  
9 time of the allision with the Norfolk and Portsmouth  
10 Belt Line Bridge?

11 A. Yes, sir.

12 Q. Do you know what the reference is to the  
13 document number?

14 A. The reference number is an individual  
15 mariner's number. The document number, I believe, is  
16 just the printed edition of the MM -- merchant  
17 mariner credential.

18 Q. So the reference number is the actual  
19 number they were assigned on their merchant mariner  
20 document?

21 A. The reference number stays with you.  
22 Yes.

23 Q. Okay. And the document number is just  
24 like a form number?

25 A. It is just -- I don't know. The Coast

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2 Guard would have to answer that one, but I believe  
3 it's just the printed document version of that one.

4 Q. Okay.

5 A. But the reference number is how you  
6 would look up a mariner.

7 Q. All right. So to your knowledge, do you  
8 know when Captain Miller was hired?

9 A. Not off the top of my head.

10 Q. What about the mate, James Morrissey?

11 A. Also not off the top of my head.

12 Q. The deckhand, Sharif Porter?

13 A. Not off the top of my head.

14 Q. The deckhand, Jarkeis -- I don't know if  
15 I'm pronouncing that right, but Jarkeis Morrissey?

16 A. I -- nope, not off the top of my head,  
17 either.

18 Q. And the engineer, Jason McGrath?

19 A. Same. I'd have to look it up.

20 MR. CHAPMAN: Would you mark that as 6,  
21 please.

22 (Exhibit 6, Daily Logs, June 12 - 16,  
23 2024, marked for identification, as of this  
24 date.)

25 Q. You've been handed Exhibit 6, which I

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2 believe are logs covering four days of the MACKENZIE  
3 ROSE, beginning June 12th, 2024 through June 16th,  
4 2024. Maybe five days.

5 Yeah, five days.

6 **A. Yes.**

7 Q. Which are Carver 000051 through 59.  
8 Do you have those?

9 **A. I do.**

10 Q. These look like they were printed out  
11 from your Helm system?

12 **A. Correct.**

13 Q. So the very first entries on June 12th  
14 say shipyard-manned.

15 And then they drop down to -- it looks  
16 like, 01 a.m. Standby for repairs, Baltimore,  
17 Maryland. Correct?

18 **A. Yes, sir.**

19 Q. Do you know what repairs the vessel was  
20 undergoing in Baltimore?

21 **A. I do. We had some time in between jobs,**  
22 **so we reached out to General Ship in Baltimore to**  
23 **replace some fendering that had fallen off at sea,**  
24 **and I believe it was on the port or starboard side,**  
25 **like midship.**

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2 Q. When you say fendering, you mean like  
3 the tire or whatever rubber setup you've got?

4 A. Correct. Yeah, the rubber set -- it was  
5 either a tire or a hard defender, but it was the  
6 suspended rubber fendering.

7 Q. Then it looks like it -- there was some  
8 crew changes that took place that day, correct?

9 A. I believe so.

10 Q. So Captain Miller came aboard along with  
11 Deckhand Porter and Engineer McGrath, correct?

12 A. Yes.

13 Q. And then three people went off;  
14 O'Rourke, Hogge, and Warlordy?

15 A. Yes.

16 Q. Which one of them was the captain?

17 A. None of them.

18 Q. None of them?

19 A. No.

20 Q. Okay. Had the captain already left the  
21 vessel?

22 A. Chris -- we would have to reference it,  
23 but Chris Miller and -- I don't know off the top of  
24 my head how that crew changed, shifted around. I  
25 would have to look that one up.



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2                   Q.       Okay. Down at the bottom, it says Crew  
3 on board, and there's six names, right?

4                   **A.       Yes.**

5                   Q.       Miller is the master, and Morrissey is  
6 technically also a master, but he's the mate, right?

7                   **A.       Correct.**

8                   Q.       So -- and who fills out this form?

9                   **A.       The officer of the watch, whoever gets**  
10 **to it.**

11                  Q.       Is this the form that, I don't know,  
12 comes in weekly --

13                  **A.       This is --**

14                  Q.       -- to the company?

15                  **A.       This -- no, this is daily.**

16                  Q.       Daily.

17                  **A.       So --**

18                  Q.       Okay. All right.

19                               We already talked about that there --  
20 there isn't anybody that reviews it unless there's --  
21 like you didn't submit it and there's a flag or  
22 something to --

23                  **A.       Correct.**

24                  Q.       Right? Okay.

25                               Is there any reason you couldn't review

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2 it --

3 A. Yeah, absolutely. Anybody can log in at  
4 any time.

5 Q. There's no like approval process or  
6 anything, though?

7 A. Not for these, no.

8 Q. If it's not submitted on the day that  
9 it's due, is there a way to go into the system and  
10 like add it later?

11 A. I don't believe so. I think it saves --  
12 if you're offshore and there's no internet  
13 connection, it still saves -- that it will compile  
14 them until you get back into cell phone service  
15 range, if you don't have satellite communications,  
16 and then it will input them all at once.

17 Q. Once it is completed on the boat, can it  
18 be amended? Can somebody go back and change it?

19 A. I don't know off the top of my head.

20 Q. Once it's submitted to the company, can  
21 it be changed?

22 A. That one, I don't know off the top of my  
23 head, either.

24 Q. Do you know whether there's any like  
25 audit log of when the entries are made or when the

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2 form is submitted?

3 A. No, not that I know of.

4 Q. So there's a third deckhand that's on  
5 the boat on the 12th, Robert DiCanio.

6 You see that?

7 A. Yeah, I do see that.

8 Q. And if you go to the next page, 52 and  
9 53, there's only five crew members listed.

10 So DiCanio is gone, right?

11 A. Correct.

12 Q. There's no reference to him leaving the  
13 boat in any of the log entries, though, correct?

14 A. No. It's up to the officer on the  
15 watch, and they have forgotten at times before to log  
16 it.

17 Q. So they don't have to keep track of  
18 who's on and not on the boat?

19 A. They do. They might have not just  
20 logged it in the logbook entry.

21 Q. The very top of page 52 there, it says  
22 Tug needs some issues resolved.

23 Were there any issues other than the  
24 replacement of the fendering you've described?

25 A. No, sir.

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2 Q. And General Ship Repair was paid for the  
3 work they did?

4 A. I would have to look at it also and  
5 through the e-mails with the foreman on there, but  
6 their ultimate -- once they looked into it, they  
7 couldn't make the repairs, because they would have to  
8 remove fuel from fuel tanks. Because they're  
9 adjacent to -- the welding was adjacent to a fuel  
10 tank, and they wouldn't be able to do it.

11 Q. So they stayed at General Ship for a  
12 couple of days, ultimately couldn't get the repairs  
13 done?

14 A. Correct.

15 Q. So if you turn to page 54 --

16 A. Okay.

17 Q. -- it looks like for the 7:55 a.m.  
18 entry, somebody spoke with the shipyard project  
19 manager about welding the pin keepers and helping  
20 with attaching the rub rails as a temporary fix.

21 And it looks like there was some welding  
22 work done.

23 (Discussion held off the record.)

24 MR. CHAPMAN: I'll start over.

25 MR. RODGERS: Sorry.

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2 MR. CHAPMAN: No worries.

3 MR. RODGERS: I thought it would be  
4 quiet.

5 MR. CHAPMAN: Yeah.

6 Q. It mentions about welding the pin  
7 keepers and helping with attaching this rub rail with  
8 10,000 pound straps as a temporary fix.

9 And apparently, there were some welders  
10 on board, they did some welding, and resecured the  
11 rug rails/pudding. I don't know what a pudding is,  
12 but maybe you do.

13 A. I've only known bow pudding is an old  
14 tugboat term for bow fendering --

15 Q. Okay. All right.

16 A. -- so I would assume it's that.

17 Q. But it looks like there was some welding  
18 work done.

19 A. To probably work on the temporary  
20 straps. And I would have to look at -- I would have  
21 to speak to Lenny about it, because he was also  
22 overseeing that one, but I believe the pin was the  
23 shackle pins to secure it.

24 Q. So presumably, General Ship would have  
25 invoiced you for some of this work?

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2 A. He very well might have, but I don't  
3 remember a PO coming through or an invoice coming  
4 through, but it's something we'd have to look up.

5 Q. Okay. And then it finally got on -- the  
6 tug got underway that evening, it looks like around  
7 1900 hours, right?

8 A. Yep.

9 Q. And made, it looks like, 9 or 10 knots  
10 steaming from Norfolk, right?

11 A. Yes, sir.

12 Q. And that was light boat. They're not  
13 pushing a barge or anything?

14 A. Correct. Light boat.

15 Q. Is that a typical speed for that vessel,  
16 do you know?

17 A. For a light boat it is, yeah.

18 Q. Okay. And then they finally arrived --  
19 I'm looking at page 56 now for the 15th.

20 Finally arrived in Norfolk. It looks  
21 like they contacted somebody named Brian Hale from  
22 Sabine Marine Surveyor to meet them at the boat?

23 A. He is a -- he was working for Skanska or  
24 the customer as a -- to ensure the cargo was secure  
25 to the barge.

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2 Q. So he was going to survey that it was  
3 appropriately lashed and that sort of thing?

4 **A. Yes, sir, prior to getting underway.**

5 Q. So it looks like they met -- arrived at  
6 the pier around 11:30 a.m., right?

7 **A. Yes, sir.**

8 Q. And would it take three and a half hours  
9 for him to complete a survey before they could get  
10 underway?

11 **A. It's not that unusual.**

12 Q. Do you get a report of that survey?

13 **A. I don't recall getting that report. I**  
14 **believe that one went straight to Skanska. I would**  
15 **have to look into it.**

16 Q. You said this was the north portal  
17 bridge?

18 **A. Correct.**

19 Q. That's done now, isn't it?

20 **A. Yes, sir.**

21 Q. And then sometime around 1630, there's  
22 an entry about incident, Norfolk, Virginia.

23 You see that?

24 **A. Yes, sir.**

25 Q. Mate James Morrissey reports the auto

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2 pilot was not completely turned off. He was able to  
3 correct and switch back over to hand steering and  
4 begin backing on the Weeks 281 barge and maneuvered  
5 the barge alongside fendering on the north and PBL RR  
6 bridge. Photo taken. Proceed slowly away from  
7 bridge.

8 Do you know who made that entry?

9 **A. I do not.**

10 Q. So there's a reference to a photo being  
11 taken.

12 Is that the photo that we looked at  
13 earlier that's kind of grainy? We marked it I think  
14 as --

15 **A. 1. Exhibit 1.**

16 Q. Yes.

17 **A. Yep. I believe that's what it would be**  
18 **in reference to.**

19 Q. Okay. Is that the only bridge photo  
20 that you can recall seeing?

21 **A. Yes, sir.**

22 Q. Have you ever looked at it on a large  
23 screen, like a big monitor, see what you can see?

24 **A. Besides like a computer monitor?**

25 Q. Well, it could be a computer monitor.



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2 A. Yeah, a computer monitor.

3 Q. Okay. And did it look as grainy as the  
4 one that's been marked as Exhibit 1?

5 A. I don't recall. I assume that was just  
6 because of printing on that.

7 Q. Okay. Was Skanska ever notified of the  
8 incident?

9 A. Yeah.

10 Q. And who was contacted at Skanska?

11 A. I don't know off the top of my head.

12 Q. Who was your primary contact at Skanska?

13 A. I would have to look it up for that,  
14 because it wasn't directly part of the portal main  
15 part that I was involved with. But Jason Meyerrose  
16 of Meyerrose & Sons, I believe, did the off-hire in  
17 New York Harbor.

18 Q. When you say the on-hire/off-hire,  
19 you're talking about the Weeks 281 barge?

20 A. Correct.

21 Q. Right.

22 Did you guys lease that from Weeks?

23 A. No, we did not lease it. We just  
24 transported it.

25 Q. Okay. So Skanska was Weeks' customer

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2 for the barge rental?

3 A. Yes.

4 Q. All right. So -- and my question is --  
5 my question was who was your primary contact at  
6 Skanska for this bridge job?

7 A. Nobody to me directly for this transport  
8 of it.

9 Then for Skanska South, there was a  
10 bunch of different project managers throughout the  
11 last two years for that. It varied from Dan Paya to  
12 Kat Wen. But they all had independent roles of set  
13 specific tasks.

14 Q. You said Dan. What was his last name?

15 A. Paya, P-A-Y-A.

16 Q. And Katlin?

17 A. Kate Wen --

18 Q. Kate?

19 A. W-E-N.

20 Q. Kate Wen, W-E-N?

21 A. Yep.

22 Q. Okay.

23 So at 1820 hours, the top of page 57,  
24 there's an entry that says Other.

25 Is Other like a tag in the system,

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2 Other?

3 A. Correct.

4 Q. And it says In Navy anchorage. Break  
5 loose. Take photos of barge. "No damage detected."  
6 Right?

7 A. Correct.

8 Q. Do you know why those are in quote  
9 marks?

10 A. No. That, I do not.

11 Q. Do you know who made that entry?

12 A. Also do not know that.

13 Q. And the photos of the barge, we looked  
14 at four pictures of the barge. Again, somewhat  
15 grainy.

16 Are those the photos that were taken, to  
17 your knowledge, at that time?

18 A. To -- yes.

19 Q. And then they finally got underway  
20 around 7 p.m., right?

21 A. Yes, sir.

22 Q. They note their underway speed on tow  
23 wire as, it looks like, 6.6 knots, and then  
24 eventually 7.9 knots.

25 Is that the normal speed for a -- for

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2 this tug towing a barge on the wire?

3 A. Yeah. It all depends on what the -- the  
4 tide and current's doing, if -- how many layers of  
5 wire he has out so he doesn't put it in full ahead.

6 So I'm not sure where he was at at that  
7 moment, but it all depends on the currents.

8 Q. And it looks like around 9:30 p.m.,  
9 2133 hours, on the 15th, they went to three plus  
10 layers out?

11 A. Yes.

12 Q. What distance is that?

13 A. Each tow winch drum is different. The  
14 captains would know it, but it all depends on -- each  
15 layer is one layer across the top drum.

16 Q. And there's a number of references to  
17 CSE, and then some distance. 108-T, CSE 97-T.

18 Do you see those entries?

19 A. I do.

20 Q. What is that a reference to?

21 A. I don't know off the top of my head.

22 Q. So looking at the next day, June 16th,  
23 2024, it looks like it's underway the whole day. It  
24 does not arrive at destination on the 16th; is that  
25 right?

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2 A. No, it does not.

3 Q. And that's on Carver pages 58, 59,  
4 right?

5 A. Yes, sir.

6 Q. So do you know when it arrived at  
7 destination?

8 A. I would have to reference the logs and  
9 these latitude and longitude positions.

10 Q. Just -- we could figure that out if we  
11 saw the next page or two?

12 A. Correct.

13 Q. Okay.

14 MR. CHAPMAN: Mark that as 7, please.  
15 (Exhibit 7, Log Entries, marked for  
16 identification, as of this date.)

17 Q. I've handed you Exhibit 7, Mr. Moore.  
18 I don't know what to call this, but it's  
19 consecutively numbered Carver 000060 through 000066.  
20 And on 000065, it has the words slip  
21 sheet.

22 A. I have no clue what that referenced to.

23 Q. I can't -- maybe these are in some  
24 order, maybe they're not. I don't know. It's just  
25 the way it was produced to me.

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2 Do you know what these are?

3 A. No, sir, I do not.

4 Q. I mean, they look a little bit like  
5 logbook entries, but is there some other way to print  
6 or publish information that's in this Helm system  
7 that produces a record that looks like -- something  
8 like a spreadsheet?

9 A. There is a way to print it in either  
10 Excel or PDF. When you -- prints a daily log or  
11 whatever it may be, it prints it to either/or. I  
12 think you have to acknowledge which one it is.

13 Q. Okay. This looks like it was printed in  
14 Excel.

15 A. It does look like that.

16 Q. Okay.

17 MR. CHAPMAN: Mark that as 8, please.

18 (Exhibit 8, Christopher Lee Miller  
19 Employment Records, marked for identification,  
20 as of this date.)

21 Q. You've been handed Exhibit 8, which I  
22 understand to be the merchant mariner credential for  
23 Captain Miller.

24 A. Yes, sir.

25 Q. And these pages are not quite in order.

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2 They were produced to us this way, but I put the  
3 credential on top and put a drug test that came with  
4 them, described as a pre-employment drug test, at the  
5 end.

6 So it starts with page 44, 45, 46, and  
7 then ends with page 43.

8 You see that?

9 A. Yes, sir.

10 Q. Okay. So these appear to be documents  
11 that you would take up when you're hiring somebody,  
12 or if there is a new credential, you would update  
13 your system with it, right?

14 A. Correct.

15 Q. Do those live in some PDF electronic  
16 file or do they live in a paper file or --

17 A. They were -- they would go to HR. I  
18 don't know how HR is doing it, if it's paper or  
19 digital, off the top of my head, but they would have  
20 them there.

21 And then also in Helm, if they had --  
22 give them and gave it to us, we would put that  
23 document into Helm so we can also monitor the crews'  
24 licenses to make sure they're not expiring and what  
25 license is set for each individual person so we know

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2 where to send them or where not to send them.

3 Q. So I've been around this business for a  
4 long time as a lawyer --

5 A. Yeah.

6 Q. -- and what I've come to learn is even  
7 though there's an electronic record that HR has got,  
8 oftentimes people have their own sort of private like  
9 little files on people.

10 MR. RODGERS: Objection.

11 Q. And I'm trying to understand.

12 Do you have paper files on any of your  
13 employees with Carver?

14 MR. RODGERS: Objection to form.

15 You can answer if you --

16 A. No, I do not.

17 Q. Okay. Have you ever, as an employee of  
18 Carver?

19 A. No, I have not.

20 Q. I mean, it's not like you've gotten  
21 any -- gotten rid of them since you started working  
22 for Carver?

23 A. No, absolutely not.

24 Q. All right. Do you know of anybody else  
25 within Carver that kind of maintains their own



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2 personal file of records on other people?

3 **A. No. It would just all go through HR**  
4 **then.**

5 Q. So the last page of Exhibit 8 is a  
6 Predrug -- Pre-Employment Drug Screen for Captain  
7 Miller --

8 **A. Yes, sir.**

9 Q. -- correct?

10 And the specimen was collected on  
11 January 17th, 2024, right?

12 **A. Yes, sir.**

13 Q. And there's a test verification on  
14 January 20th of 2024, right?

15 **A. Yep.**

16 Q. So that's the earliest, presumably,  
17 Captain Miller would have gone to work for Carver  
18 Marine Towing?

19 **A. I would believe so.**

20 Q. Okay. Do you have any knowledge that he  
21 ever previously worked for Carver Marine Towing?

22 **A. No. That, I do not.**

23 Q. And this is the same Captain Miller you  
24 testified previously that you learned he recently  
25 passed away?

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2 A. Yes, sir.

3 Q. Okay.

4 MR. CHAPMAN: I'm going to apologize. I  
5 did not get a chance to staple these back  
6 together. I don't know if there's a stapler in  
7 this room.

8 You are awesome. Thank you.

9 This is going to be No. 9.

10 (Exhibit 9, Handwritten and Typed  
11 Statements of Christopher Lee Miller, marked for  
12 identification, as of this date.)

13 Q. Mr. Moore, you've been handed Exhibit 9,  
14 which I believe are a collection of statements by  
15 Captain Miller.

16 A. Yes, sir.

17 Q. So the first one, which is Carver  
18 000047, is a handwritten statement, right?

19 A. Yep.

20 Q. Appears to be signed by him, correct?

21 A. Yes.

22 Q. The second one, Carver 000048, is a  
23 typed-up version of that statement, right?

24 A. Yes, sir.

25 Q. It's not really signed by him, but it's

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2 got an entry, June 15th, 1659. Statement of incident  
3 that happened at approximately 1630 with the North  
4 MPVL railroad bridge, right?

5 **A. Yes, sir.**

6 Q. Okay. And then the third page, 000049,  
7 is on Carver Marine letterhead of some form. Says  
8 re: Incident report. It's got the date and time  
9 particulars, right?

10 **A. Yes, sir.**

11 Q. And it, too, looks like it's signed by  
12 Captain Miller, right?

13 **A. Yes, sir.**

14 Q. So what do you know about when Captain  
15 Miller prepared this handwritten statement?

16 **A. I do not know when -- this was. This**  
17 **would be the first -- first statement --**

18 Q. Okay.

19 **A. -- the handwritten one.**

20 Q. So of these three, do they go in like,  
21 I'll call it, chronological order of when you think  
22 they were prepared?

23 **A. Well, this one, because I know they**  
24 **handwrit -- handwrote it, and I said you need to have**  
25 **them typed out.**

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2 Q. All right. So were they given any  
3 direction on what to put in their handwritten  
4 statement?

5 A. Not from me. Not that I know of.

6 Q. Were they given any direction about what  
7 to put in the typed statement, which is page 48?

8 A. No, not that I know of.

9 Q. And then finally, the typed statement  
10 but on Carver Marine letterhead, it's signed, page  
11 49.

12 Were they given any instruction about  
13 what to include in those -- in this report?

14 A. No, sir.

15 Q. Do you know of anybody who prepared  
16 either of the typed statements for them?

17 A. I do not know off the top of my head.  
18 I've only -- no, I do not know.

19 Q. So if the -- if the middle statement,  
20 I'll call it, page 48, was prepared at June -- on  
21 June 15th at 1659, the handwritten statement would  
22 have been prepared before that?

23 A. Most likely, yes.

24 Q. All right. And do you know whether the  
25 final one in this exhibit, page 49, was actually

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2 prepared on 15 June 2024 or it just references the  
3 allision on June 15, 2024?

4 A. That, I don't know either.

5 Q. Would Captain Miller have access to  
6 Carver Marine Towing letterhead?

7 A. They have all -- over the course of  
8 time, every vessel has seen the letterheads come  
9 through. They've -- there's no official letterhead,  
10 but they've all been utilized before another.

11 Q. So if these were all prepared on 15 June  
12 2024, the vessel was still underway to the bridge job  
13 site, right?

14 A. Correct.

15 Q. And so would it --

16 MR. RODGERS: Just objection. I don't  
17 think the first one is dated.

18 MR. CHAPMAN: You're correct. It's not.  
19 Has no date on it.

20 MR. RODGERS: Oh, I thought you said --

21 MR. CHAPMAN: Right. No.

22 MR. RODGERS: -- they were all --

23 MR. CHAPMAN: No. I just -- if they all  
24 pertain to the allision with the bridge and  
25 they -- the first one could not have been

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2 prepared before sometime on June 15th.

3 MR. RODGERS: No. I'm just saying your  
4 question was so these were all prepared on 15  
5 June 2024.

6 MR. CHAPMAN: Yeah, yeah. That's what I  
7 said.

8 Q. If they were, right --

9 MR. RODGERS: Okay.

10 Q. -- how did they arrive at -- in the  
11 possession of Carver, right? Were they e-mailed  
12 or --

13 A. I believe -- actually, I don't know the  
14 exact method, how they got to Lenny on that one.

15 Q. Do you believe that Mr. Baldassare  
16 received these?

17 A. Yes. Either by -- directly from the  
18 boat e-mail for this handwritten one or a photo. I'm  
19 not -- don't know.

20 Q. Did you see these as part of your  
21 investigation before submitting the 2692 to the Coast  
22 Guard?

23 A. I don't remember off the top of my head.  
24 I remember reading these, the initial hand --

25 MR. RODGERS: You got to say what you're

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2 looking at.

3 THE WITNESS: Sorry.

4 A. Correction. I remember reading the  
5 handwritten one before anything went out, but  
6 after -- I don't recall the other two between now and  
7 when the initial 2692 was submitted.

8 Q. Do you recall reading the handwritten  
9 one before the vessel actually departed Norfolk?

10 A. No. I don't -- I can't recall if it was  
11 en route already or wherever it was in the course of  
12 actions.

13 Q. Okay. Was it before the vessel arrived  
14 at the bridge?

15 A. Correct.

16 Q. The job site?

17 A. Before it arrived in New York Harbor,  
18 correct.

19 Q. Okay. All right.

20 MR. CHAPMAN: All right. Let's hope I  
21 sort of get these stapled together eventually.

22 So this will be 10.

23 (Exhibit 10, Jarkeis Jamal Bass  
24 Morrissey Employment Records, marked for  
25 identification, as of this date.)

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2 Q. All right. You've been handed  
3 Exhibit 10, which I understand to be the merchant  
4 mariner's document for Jarkeis Jamal Bass Morrissey,  
5 a copy of his TWIC card, and a pre-employment drug  
6 screen.

7 A. Yes, sir.

8 Q. Carver 000067 through 69, right?

9 A. Yep.

10 Q. So on page 67, it says that his  
11 mariner's document was issued 11 March 2024.

12 Do you see that?

13 A. Yes, sir.

14 Q. Do you know if this is his first  
15 merchant marine document?

16 A. I don't know off the top of my head. I  
17 do know he did have prior experience with another  
18 company.

19 Q. Okay. And then looking at the last page  
20 of this exhibit, it looks like the specimen for his  
21 pre-employment was collected on March -- excuse me,  
22 April 29th of 2024, and verified on April 30th of  
23 2024, right?

24 A. Yes, sir.

25 Q. So the earliest he could have come to



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2 work for Carver Marine Towing would have been  
3 April 30, 2024?

4 A. Yes --

5 Q. So he --

6 A. -- to my knowledge.

7 Q. So he had been working for about a month  
8 and a half at the time of this accident, right?

9 A. Yes, sir.

10 Q. All right.

11 MR. CHAPMAN: Let's mark this as 11,  
12 please.

13 (Exhibit 11, Handwritten and Typed  
14 Statements of Jarkeis Bass Morrissey, marked for  
15 identification, as of this date.)

16 Q. So you've been handed Exhibit 11, three  
17 pages of statements by Jarkeis Bass Morrissey. The  
18 first is page Carver 000071 through 000072.

19 Excuse me. They're out of order.

20 It covers -- contained within the  
21 exhibit is 000070 through 72.

22 A. Yeah.

23 Q. But the first one is the handwritten  
24 one, and I put them all in the same order just to  
25 make it easier, right?

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2 A. Yep.

3 Q. So you've seen the handwritten  
4 statement, obviously?

5 A. Yes, sir.

6 Q. Sometime in connection with your  
7 investigation --

8 A. Yep.

9 Q. -- right?

10 And then it is followed by the typed-up  
11 statement of the incident, right?

12 A. Yes, sir.

13 Q. And then finally, a report on Carver  
14 Marine Towing letterhead that appears to be signed by  
15 Mr. Jarkeis Morrissey, right?

16 A. Yes, sir.

17 Q. All right. So Mr. Morrissey's --  
18 Jarkeis Morrissey's statement, in his handwritten one  
19 and in his typed-up one -- these are pages 71 and  
20 then 70 -- there's a reference to losing steering.

21 He says We left at 1500. Everything was  
22 good. An hour later, the boat lost steering in the  
23 upper wheelhouse. Right? That's what he said?

24 A. Yes, sir.

25 Q. Okay. And then he goes on to say that

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2 he was in the galley cleaning up and put away the  
3 food when we hit something. I went to the wheelhouse  
4 to make sure everything was okay. He said we lost  
5 steering.

6 There's two places in here where he says  
7 the boat lost steering, but in the final Carver  
8 Marine Towing letterhead incident report, it doesn't  
9 say anything about losing steering.

10 Did you ever ask Mr. Morrissey, Jarkeis  
11 Morrissey, why he mentioned losing the steering in  
12 the first two statements, and said nothing about it  
13 in the third one?

14 **A. No, sir, I did not.**

15 Q. And in the first two statements, he says  
16 that he was in the galley putting away food, and then  
17 they hit something. We hit something. But he  
18 doesn't mention anything about hitting anything in  
19 his third Carver Marine Towing letterhead.

20 You see that?

21 **A. Yes, sir.**

22 Q. Did you ever ask him why he did not say  
23 anything about hitting something in his statement on  
24 page 72?

25 **A. No, sir, I did not. I did not speak to**

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2 him about that.

3 Q. Do you know if anybody did?

4 A. Not that I would know of.

5 Q. Did Mr. Baldassare say anything to you  
6 to help clarify that?

7 A. No. I -- I only really remember seeing  
8 the handwritten ones, and then I don't quite really  
9 remember these statements of the hand-typed ones.

10 Q. All right. So let's go back to No. 9,  
11 which was the statement of Captain Miller.

12 A. Okay.

13 Q. In the first two pages, 47 and 48, it  
14 says that I was in my rack resting when I felt a bump  
15 in the handwritten one.

16 And in the typed one, it says I,  
17 Christopher Miller, was in my bed resting when I felt  
18 a bump.

19 And in the final statement, the one  
20 that's on Carver Marine letterhead, it says While off  
21 watch in my room, I felt the vessel slow down and  
22 felt a sliding.

23 Now, that's different than saying he  
24 felt a bump, right?

25 A. Yeah. Yes, it is.

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2 Q. Okay. And do you have -- do you know  
3 what he meant by sliding?

4 A. No, sir, I do not.

5 Q. But he didn't use the word bump or  
6 describe it as a bump in --

7 A. No, he did not.

8 Q. -- this third statement, right?

9 A. Correct.

10 Q. Did you ever interview him or speak with  
11 him to try to understand what he meant by sliding?

12 A. No. The only time I ever spoke to any  
13 of the guys is when the NTSB was on board.

14 Q. When did the NTSB show up?

15 A. I don't remember off the top of my head.  
16 It was fairly shortly after their arrival into New  
17 York.

18 MR. RODGERS: Were you asking that  
19 question, Jim, on Miller's final statement?

20 MR. CHAPMAN: Yeah. This was Captain  
21 Miller's statement.

22 MR. RODGERS: I think he says sliding.

23 MR. CHAPMAN: It says, first sentence  
24 Felt us sliding.

25 MR. RODGERS: Well, I guess he does,

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2 then. Sorry. Withdrawn.

3 THE VIDEOGRAPHER: Mr. Moore, I'm sorry.

4 Can you please move just a little bit.

5 **THE WITNESS: This way?**

6 THE VIDEOGRAPHER: Yes. Thank you.

7 Q. So in his written statement, handwritten  
8 statement, he said that he ran up top to speak with  
9 James Morrissey, and he informed me that the tug went  
10 hard over.

11 He said the -- I don't know what that  
12 word is. Something stuck -- struck?

13 Do you know what he meant by that?

14 **A. No. No, I don't know what that word is.**

15 MR. RODGERS: You mean what does it say?

16 MR. CHAPMAN: It said -- yeah. He said  
17 the something stuck or struck.

18 Q. He goes on to say I called Brian Moore  
19 and Lenny Baldassare immediately to report incident.

20 You testified earlier that you did not  
21 speak to anybody in the crew, though --

22 **A. Correct.**

23 Q. -- right?

24 **A. Yep. He called my phone, but I was out**  
25 **in the backyard, so I didn't receive it.**

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2 Q. So you didn't call him back?

3 A. I called Lenny back.

4 Q. You called Mr. Baldassare?

5 A. Yes, sir.

6 Q. Okay. Then it goes on to say Lenny  
7 informed me that he and Brian will inform Coast Guard  
8 of incident. Waiting on orders. Right?

9 A. That's what it says, yes.

10 Q. Did you ever give Mr. Baldassare  
11 instructions to notify the Coast Guard of the  
12 incident?

13 A. I did not. I told him to look into it  
14 further.

15 Q. And did Mr. Baldassare say to you that  
16 he was going to notify the Coast Guard of the  
17 incident?

18 A. I don't recall him saying that.

19 Q. Meaning he might have said it and you  
20 just don't remember it, or meaning you just don't  
21 have a memory of him saying something like that?

22 A. No, I don't -- almost a year ago, I  
23 don't remember exactly what he said there in that  
24 phone call.

25 Q. So his typed statement, which is page

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2 48, he says Mr. Morrissey informed me that the tug's  
3 rudder went hard over and wouldn't respond, resulting  
4 in the Weeks 281 barge to tap the side of the  
5 railroad bridge.

6 I took a quick photo of the bridge where  
7 we tapped it with no seen damage from what we saw in  
8 the photo.

9 I called Brian Moore and left a message,  
10 and then called Lenny and -- Lenny Baldassare and  
11 spoke with him of the incident. He then informed me  
12 that he and Brian would inform the Coast Guard of the  
13 incident.

14 Did Captain Miller ever say to you after  
15 this incident at any time, you know, the following  
16 day or after arrival into New York or any time  
17 thereafter, that Lenny told him that he was going to  
18 tell the Coast Guard of the incident?

19 **A. In speaking with Captain Miller? No, I**  
20 **don't recall him speaking about that.**

21 Q. Okay. So it says Then finally, we went  
22 to a slow or bell and waited for orders and  
23 information. And then the statement ends.

24 **A. Yes, sir.**

25 Q. Like do you know what happened after



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2 that?

3 A. No. I assume by slow bell, they meant  
4 to anchorage to look into it further.

5 Q. So in the typed-up version on company  
6 letterhead, Captain Miller says that when he went up  
7 to the wheelhouse to check on the mate, and he  
8 informed me that he had gotten out of shape upon his  
9 approach to the bridge.

10 What does that mean to you, when he says  
11 the mate told him he had gotten out of shape on his  
12 approach to the bridge?

13 A. That means while -- if I'm looking at  
14 it, the way he -- the way he was steering is that he  
15 was -- it wasn't in line for the center span. So he  
16 got out of shape.

17 Q. Is that a term of art in the maritime  
18 business --

19 A. Yes.

20 Q. -- getting out of shape?

21 A. Yep. It's when you're -- when you're  
22 not at -- when you're not in -- where you should be.

23 Q. There's no mention in this typed-up  
24 version on page 49 about feeling a bump while he was  
25 in his room, right?

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2 A. Yep.

3 Q. There's no mention of the mate telling  
4 him that the tug's rudder went hard over and wouldn't  
5 respond, right?

6 A. Correct.

7 Q. Or that the Weeks barge tapped the side  
8 of the railroad bridge, right?

9 A. Correct.

10 Q. And even though he says that he took a  
11 photo of it in both his -- take that back.

12 Even though he says in the typed-up  
13 statement that he did, which is page 48, that he took  
14 a photo of the bridge where we tapped it, there's no  
15 mention of that in the typed-up statement on Carver  
16 letterhead, correct?

17 A. Of the photo? No, there's not.

18 Q. In terms of your investigation, you  
19 didn't make any effort to sort out the discrepancies  
20 between these statements --

21 A. No, not --

22 Q. -- submitted by Captain Miller, correct?

23 MR. RODGERS: Objection to form.

24 You can answer.

25 A. No.

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2 MR. CHAPMAN: So this is 12.

3 (Exhibit 12, Jason Thomas McGrath  
4 Employment Records, marked for identification,  
5 as of this date.)

6 Q. So you've been handed Exhibit 12, which  
7 is the collection of documents about Jason McGrath,  
8 his position as engineer, I believe, and a  
9 pre-employment drug screen.

10 **A. Yes, sir.**

11 Q. Pages Carver 000080 through -- I take  
12 that back. They're a bit out of order. It's 80 and  
13 81, which is his merchant mariner's document, and  
14 then at the end, 78, which is his drug screen, right?

15 **A. Yes, sir.**

16 Q. So according to this credential on page  
17 80, his document was going to expire on 25 June '24,  
18 right?

19 **A. Yep.**

20 Q. So ten days before the allision, right?

21 **A. After allision?**

22 Q. Excuse me. Thank you for correcting  
23 that.

24 Yeah, ten days after the allision?

25 **A. Yes, sir.**

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2 Q. Okay. And I think you told us earlier  
3 that he just never got it renewed, right?

4 A. Correct. He was --

5 Q. Okay.

6 A. -- according to him, he was pending  
7 Coast Guard.

8 Q. Yeah.

9 And then his pre-employment drug screen  
10 was on December 11th, 2023?

11 A. Yes, sir.

12 Q. And verified on December 12th.

13 So that would have been when he came --  
14 earliest he could have come to work for your company,  
15 right?

16 A. Yes, sir.

17 Q. Right. And to your knowledge, had he  
18 previously worked for Carver Marine Towing?

19 A. No. Not to my knowledge.

20 E.

21 Q. All right.

22 MR. CHAPMAN: Mark this as 13, please.

23 (Exhibit 13, Handwritten and Typed  
24 Statements of Jason Thomas McGrath, marked for  
25 identification, as of this date.)

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2 Q. So you've been given Exhibit -- this is  
3 13?

4 **A. Yes.**

5 Q. Which are the statements that  
6 Mr. McGrath did.

7 The first one is a handwritten one,  
8 signed by him. The second one, the typed one. And  
9 the third one on the Carver Marine letterhead.

10 The document numbers are in order,  
11 000079, 83 and then 82.

12 So on the handwritten statement, we  
13 could agree that Engineer McGrath was a man of a few  
14 words --

15 **A. Yes, sir.**

16 Q. -- right?

17 It says Was in my room. Felt abrupt  
18 stop. Went to upper wheelhouse to see what happened.  
19 Checked engine room.

20 And then on the next page, which is 83,  
21 it -- word for word, the same thing, right?

22 **A. Yes, sir.**

23 Q. Okay. And then on the last page, which  
24 is on the Carver Marine letterhead, a little more  
25 detail. Says he was in his room completing engine

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2 room paperwork, he felt the boat slow down, and  
3 shimmy.

4 Now, that's different than saying an  
5 abrupt stop, correct?

6 A. Yes, sir.

7 Q. And he said that it had landed on the  
8 bridge fendering, he went down to the engine room to  
9 make sure there were no issues, and then he went to  
10 the wheelhouse, and the mate informed him he had  
11 touched up on the bridge fendering. Right?

12 A. Yes, sir.

13 Q. So it's a little out of order in terms  
14 of what he did when, after feeling the abrupt stop,  
15 but it mentions nothing about the abrupt stop in the  
16 typed-up Carver Marine letterhead report, page 82,  
17 correct?

18 A. Correct.

19 Q. And did you make any effort to try to  
20 understand that discrepancy during the course of your  
21 investigation before submitting the 2692?

22 MR. RODGERS: Objection to form.

23 Foundation.

24 A. No.

25 MR. CHAPMAN: 14.

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2 (Exhibit 14, Sharif Porter Employment  
3 Records, marked for identification, as of this  
4 date.)

5 Q. This is the only document that I have  
6 pertaining -- that was produced pertaining to Sharif  
7 Porter, but it's a copy of one page out of his  
8 mariner credential, right?

9 A. Okay.

10 Q. I don't have anything regarding a drug  
11 screen.

12 Do you know when he was hired?

13 A. No. He's one of the older deckhands  
14 within the older deckhands, senior deckhands in the  
15 company, so I don't know exactly when he was hired.

16 Q. Was he there when you started working?

17 A. Yes, sir.

18 Q. Okay. And he's still working there,  
19 right?

20 A. Yes, sir.

21 MR. CHAPMAN: 15.

22 (Exhibit 15, Handwritten and Typed  
23 Statements of Sharif Porter, marked for  
24 identification, as of this date.)

25 Q. You've been handed Exhibit 15, which I

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2 believe are all of the statements from Sharif Porter.  
3 They're not in numerical order, but they consist of  
4 Carver 000086, his handwritten statement; 000085, the  
5 typed-up statement that presumably he did; and then  
6 finally 000084, which is the one on Carver Marine  
7 Towing letterhead.

8 You have those?

9 A. Yes, sir.

10 Q. So this says, on the handwritten one, I  
11 was in bed sleeping. I felt the boat sliding.  
12 Thought we popped the push gear. Went up to a  
13 wheelhouse. That was when the captain told me the  
14 boat went hard over.

15 And then the typed-up version of that,  
16 his -- on page 85, appears to be word for word with  
17 his handwritten statement, right?

18 A. Yes, sir.

19 Q. And then finally, the one on Carver  
20 Marine letterhead says, very similar, that he felt  
21 the boat slide. Thought we had popped a push gear,  
22 and went out on the deck to check. However, I  
23 noticed we had landed against the fenders of the  
24 bridge to slide through safely.

25 But nothing about the captain telling



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2 him that the boat went hard over, correct?

3 **A. No, not in this one.**

4 Q. So again, did -- as part of your  
5 investigation before submitting the 2692 to the Coast  
6 Guard, did you make any effort to sort out any  
7 discrepancy in Mr. Porter's statements?

8 MR. RODGERS: Objection. No foundation.  
9 You can answer.

10 **A. No, sir. No, sir.**

11 MR. CHAPMAN: This will be 16.

12 (Exhibit 16, James Morrissey's  
13 Employment Records, marked for identification,  
14 as of this date.)

15 Q. Mr. Moore, you've been handed  
16 Exhibit 16, which is Captain James Morrissey's  
17 merchant mariner credential, and then the drug test  
18 results post-accident. And the documents are  
19 numbered Carver 000091 through 93.

20 And then the last page, which is the  
21 test results, is Carver 000088.

22 Do you have those?

23 **A. Yes, sir.**

24 Q. Okay.

25 MR. RODGERS: Just for the record, it

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2 was post-accident, the January incident.

3 MR. CHAPMAN: I'll clarify that.

4 MR. RODGERS: Oh, okay.

5 MR. CHAPMAN: Yeah, I'll clarify that.

6 Don't worry.

7 MR. RODGERS: All right.

8 Q. So there's -- we weren't produced a  
9 pre-employment drug screen.

10 So do you know when Captain Morrissey  
11 was hired?

12 **A. No, not off the top of my head.**

13 Q. Was he working there when you arrived?

14 **A. No.**

15 Q. Okay. So the post-accident drug  
16 screening was related to the allision with the pier  
17 in South Carolina in January of '24, right?

18 **A. Yes, sir.**

19 MR. CHAPMAN: Could you mark this as 17.

20 (Exhibit 17, Handwritten and Typed  
21 Statements of Captain Morrissey, marked for  
22 identification, as of this date.)

23 Q. You've been handed Exhibit 17, which  
24 consists of two pages numbered Carver 000094 and 95,  
25 which is what I believe is a handwritten statement

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2 from Captain Morrissey and then a typed-up statement  
3 from Captain Morrissey.

4 A. Yes, sir.

5 Q. Now, the handwritten statement doesn't  
6 identify his name or any signature on it.

7 And the typed-up statement is -- at  
8 least has Captain James Morrissey on it, right?

9 A. Yes, sir.

10 Q. So in his handwritten statement, he says  
11 Outbound Norfolk southern branch with Weeks 281.  
12 Experienced a steering malfunction, causing tug and  
13 barge to turn to port and touch up on bridge before  
14 it could be corrected. No damage to bridge and no  
15 visible -- excuse me. No damage to barge and no  
16 visible damage to bridge.

17 And he says essentially the same thing  
18 in his typed-up version, except that he's added his  
19 name. I, James Morrissey, was operating outbound in  
20 Norfolk, Virginia, southern branch of the Elizabeth  
21 River with barge Weeks 281. The tug experienced a  
22 steering malfunction, causing the tug and barge to  
23 turn to port on touch up on the bridge before it  
24 could be corrected.

25 Again, goes on to say No damage to the

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2 barge and no visible damage to the bridge.

3 So basically, the same thing in both of  
4 those statements?

5 **A. Yes, sir.**

6 Q. We were not provided a copy of a  
7 statement on Carver Marine Towing letterhead.

8 Do you know whether one exists?

9 **A. I do not know if one exists or not.**

10 Q. Okay. Do you know why you have them  
11 from the other four members of the crew but not  
12 Captain Morrissey?

13 **A. No. I did not receive those statements.**  
14 **Lenny did.**

15 Q. All right.

16 MR. CHAPMAN: So this will be 18.

17 (Exhibit 18, Crew Hours Report, marked  
18 for identification, as of this date.)

19 Q. All right. So I handed you Exhibit 18,  
20 which looks like some sort of screenshot or -- of a  
21 tracking system, a logging system of some sort,  
22 beginning with Carver 0000096 through 0000110, and  
23 then there are four more pages, which are numbered  
24 000029 through 000232.

25 So looking at the first page of

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2 Exhibit 18, what are we looking at?

3 A. This is -- it looks -- this is a view  
4 from what you would see in Helm.

5 Q. All right. And a view of what?

6 A. The time sheets, which I believe are  
7 just who the crew is on at the time. Not a work/rest  
8 hours.

9 Q. So there's a limit of 12 hours of work,  
10 right?

11 A. Yes, sir.

12 Q. Okay. And there's a red -- four of them  
13 are green; one of them is red.

14 What do those colors signal?

15 A. I believe it's broken into 30, 60,  
16 90 days. Anything over 90 days, your license is  
17 good, green; anything 60 is yellow; and then red is  
18 30 days or less.

19 Q. So we know McGrath's license was going  
20 to expire in 10 days, right?

21 A. Correct.

22 Q. So that's why this is red on --

23 A. Yes, sir.

24 Q. -- Exhibit 18?

25 A. Yes.

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2 Q. All right. And are we looking at  
3 entries from June 1, 2024 on this page?

4 A. Yes, I believe so. I couldn't exactly  
5 tell you.

6 Q. Okay. And the next page, do you know  
7 what it is?

8 A. I can't read mine.

9 Q. I can't read mine either.

10 A. Okay. Then no, I --

11 Q. That's the way it was given to us.

12 A. Then I -- no, sir, I do not know what  
13 this is.

14 Q. Okay. I mean, I'm led to believe that  
15 somehow it's related to the same subject, but I don't  
16 know that to be true.

17 A. I believe so, on the words that I can  
18 read out, but I don't know.

19 Q. Are these available in a more legible  
20 version?

21 A. I would have to -- I'm sure there is. I  
22 got to figure out what this is first.

23 Q. Okay. And then if you go back to --  
24 this goes on for several pages, but if you go back  
25 past 110, then the very next page that's included is

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2 229.

3 **A. Yep.**

4 Q. And this sort of looks like maybe time  
5 sheet or hours worked or something data?

6 **A. This looks like a work/rest log.**

7 Q. Okay. Would that be in the same system?

8 **A. In Helm? Yes, sir.**

9 Q. So if you go back to page 1 of 18,  
10 there's five tabs at the top.

11 **A. Yep.**

12 Q. Crew, Crew Chain, Time Sheets, Work/Rest  
13 and History, right?

14 **A. Yes, sir.**

15 Q. So we're looking at the time sheets  
16 page?

17 **A. Time sheets had payroll -- I'm sorry.**  
18 **Is the payroll-oriented one.**

19 Q. Okay. And the rest of these all have  
20 kind of different views?

21 **A. Yes, sir.**

22 Q. But this is specifically for the  
23 MACKENZIE ROSE, which is listed in the Asset -- Asset  
24 box?

25 **A. Yep.**

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2 Q. And are more legible copies of pages 229  
3 to 232 available?

4 **A. If I can figure out what these are --**

5 Q. All right. They too --

6 **A. -- but I believe so.**

7 Q. They look like they came from the Helm  
8 system, too?

9 **A. Yes, or an Excel.**

10 Q. Okay.

11 MR. CHAPMAN: All right. This is 19.

12 (Exhibit 19, CG-2692 Report, marked for  
13 identification, as of this date.)

14 Q. Mr. Moore, you've been handed  
15 Exhibit 19 --

16 **A. Yes, sir.**

17 Q. -- which I believe consists of the  
18 2692 --

19 **A. Yes.**

20 Q. -- filed with the Coast Guard in the  
21 aftermath of the bridge allision, right?

22 **A. Yes, sir.**

23 Q. Okay. So this is Carver 000111 through  
24 117, and if you look at the second page of the  
25 exhibit, it appears to have been signed by you.



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2 A. Yes. Digital signature.

3 Q. And it says it's digitally signed.

4 What platform did you use to digitally  
5 sign it?

6 A. I don't know off the top of my head. I  
7 believe it's on the Coast Guard form, so I don't know  
8 how it reads it, if it's Adobe or not.

9 Q. So it wasn't signed like with your Box  
10 document management system?

11 A. Oh, no.

12 Q. Okay. And you signed it on -- it's  
13 dated June 25th, but you said you digitally signed it  
14 on June 26th, correct?

15 A. Yep.

16 Q. So it would have been submitted to the  
17 Coast Guard on what date?

18 A. I would believe it would have been the  
19 26th.

20 Q. Okay. Did you have the assistance of  
21 counsel in preparing this form?

22 A. I did not.

23 Q. So are there any drafts of this form  
24 that exist before it was actually submitted to the  
25 Coast Guard?

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2 A. There -- this was -- any -- sorry,  
3 correction.

4 Any drafts? What do you mean?

5 Q. Yeah. Like you -- maybe you -- this is  
6 the fifth draft that you went through, right?

7 A. Oh.

8 Q. I don't know. That's what I'm asking.

9 A. No. There was a -- there was a revision  
10 made from the Coast Guard, one that they requested.

11 Q. The Coast Guard asked for a revision?

12 A. Yes, sir.

13 Q. And what did they request that you  
14 revise?

15 A. I don't remember off the top of my head  
16 exactly what it was, but they -- Lieutenant requested  
17 a revision.

18 Q. Lieutenant Palomba?

19 A. Yes.

20 Q. And did she request the revision before  
21 you signed it on the 26th of June 2024?

22 A. I believe so.

23 Q. So was there a separate form submitted  
24 prior to this one that's signed on the 26th of June?

25 A. I would have to reference the dates. I

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2 don't remember off the top of my head.

3 Q. So there was a -- but there would have  
4 been two forms, Coast Guard Form 2692s, that were  
5 submitted to the Coast Guard?

6 A. Yes --

7 Q. And --

8 A. -- I believe so.

9 Q. -- you don't recall what she asked you  
10 to revise?

11 A. Not right now, I don't.

12 Q. All right.

13 A. Oh, okay. So I do -- now reading this,  
14 the first one was the initial one I believe Lenny  
15 submitted of the bridge fendering. And then after we  
16 discovered the fact that it was the bridge, when she  
17 had notified us on here, the bridge structure.

18 So the first one was for the bridge  
19 fendering, and then she asked us to -- Lenny and I  
20 to -- I don't know if it came through Lenny or if it  
21 came through me, whatever it was, but that is the  
22 whole e-mail chain asking for a revision.

23 Q. All right. So there was one that was  
24 submitted that just described the extent of property  
25 damage to the fendering system?

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2 A. Yes, sir.

3 Q. And that was not correct?

4 A. After we realized it was, in fact, the  
5 bridge, that's when she asked us to submit the  
6 revision.

7 Q. Okay. When did Mr. Baldassare submit  
8 his version of the 2692?

9 A. I don't know off the top of my head. It  
10 was between the incident and -- I don't remember  
11 exactly. I --

12 MR. RODGERS: Don't guess. Don't --

13 Q. And does the company still have a copy  
14 of the one that Mr. Baldassare submitted?

15 A. I have not seen it, but I'm sure the  
16 Coast Guard has it in hand. I don't remember  
17 recalling it, the first one, because I didn't sign  
18 the first one.

19 Q. Did the company delete it from its  
20 records?

21 A. No. There's not way.

22 Q. Okay. So you'd still have it?

23 A. It -- probably within Lenny's e-mails.

24 Q. Okay. And does the company still have  
25 Mr. Baldassare's e-mails?

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2 A. I don't know off the top of my head. IT  
3 would have all that.

4 Q. So in the form that Mr. Baldassare  
5 submitted, were there different descriptions in block  
6 25A and B?

7 A. I would have to reference it.

8 Q. So how did you arrive at the  
9 determination that, in fact, the barge had hit the  
10 bridge rather than the fendering system?

11 A. That's when Lieutenant Palomba called us  
12 and said it did, in fact, hit it.

13 Q. And did you receive any photographic  
14 evidence from the Coast Guard to that effect?

15 A. No. She did say there was a video, but  
16 she didn't have it and I didn't have it at the time,  
17 but that's why she requested us to change it.

18 Q. Was that in an e-mail that she sent to  
19 you?

20 A. Yes, sir.

21 Q. So there's a 2692-B form that's part of  
22 this that was apparently submitted and signed by  
23 Mr. Baldassare on June 19th --

24 A. Yes, sir.

25 Q. -- 2024.

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2 Do you know if that's the date that he  
3 would have submitted the original 2692?

4 **A. I couldn't tell you. I don't know.**

5 Q. On page 1 of Exhibit 19, in block 10,  
6 the box for Unintended grounding or unintended strike  
7 of (allision with) a bridge is checked. Right?

8 **A. Yes, sir.**

9 Q. Was that box checked when the first form  
10 was submitted?

11 **A. I do not know off the top of my head.**

12 Q. The entries in block 25A and block 25B,  
13 were those drafted by you?

14 **A. Yes, I believe so.**

15 Q. So in 25A, the second sentence says The  
16 officer on watch, James Morrissey, was in auto pilot  
17 and didn't switch over to non-followup hand steering,  
18 but thought he did.

19 Sir, is there any reference to being in  
20 auto pilot in either of Mr. Morrissey's statements?

21 **A. Not in the statements I can recall, but  
22 it was during the NTSB interview with the Coast Guard  
23 on board, as well. That's when I believe Lieutenant  
24 asked me to revise it, after she heard.**

25 Q. Did you attend that interview?

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2 A. Yes, sir.

3 Q. And it was aboard the vessel?

4 A. Yep.

5 Q. Like in the galley or --

6 A. In the wheelhouse.

7 Q. Oh, in the wheelhouse?

8 A. Yes, sir.

9 Q. And who all was present?

10 A. It was the gentleman from NTSB; and then  
11 there was three people, via Teams or Zoom, from Coast  
12 Guard sector Norfolk; and then it was individually a  
13 different counsel before Clyde Co.

14 MR. RODGERS: For Carver?

15 THE WITNESS: Yes.

16 A. Our Carver -- our counsel, and then the  
17 individuals being interviewed.

18 Q. So Mr. Abel, an attorney in Norfolk,  
19 Virginia, was present for those interviews?

20 A. Yes, sir.

21 Q. And were all five crew members  
22 interviewed by the Coast Guard?

23 A. I don't recall all five being  
24 interviewed. I believe they did Captain Chris --  
25 they -- correction.

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2 They did everybody who was on board.

3 Captain Morrissey was already off, because the NTSB  
4 had arrived a couple days later, and I believe they  
5 did his via Teams or Zoom, whatever it was,  
6 separately. But I was not there for that one.

7 Q. So there was a person from the National  
8 Transportation Safety Board present in person for  
9 those interviews?

10 A. Yes, sir.

11 Q. All right. And you were there?

12 A. Yes, sir.

13 Q. Was Mr. Baldassare there?

14 A. I don't recall if he was.

15 Q. And you said Mr. Able was there,  
16 Christopher Abel, correct?

17 A. Yes.

18 Q. And then who was actually interviewed  
19 among the crew members in person on that occasion?

20 A. Captain Chris Miller, AB Jarkeis  
21 Morrissey, able-bodied Sharif Porter, and Engineer  
22 Jason McGrath.

23 Q. So everybody but Captain Morrissey?

24 A. Yes, sir.

25 Q. And you believe Captain Morrissey was



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2 interviewed later by Zoom -- via Zoom?

3 **A. Yes.**

4 Q. Were you present for that?

5 **A. No.**

6 Q. Who, to your knowledge, was present for  
7 that?

8 **A. I don't know off the top of my head.**

9 Q. Did Mr. Baldassare ever report being  
10 present for it?

11 **A. No.**

12 Q. And did they interview Mr. Morrissey  
13 while he was at home or, you know, something like  
14 that?

15 **A. I don't -- I don't know where he was.**

16 Q. All these interviews that happened in  
17 person were on the same day?

18 **A. Yes.**

19 Q. Would that have been June 25th of 2024?

20 **A. I would have to look up to see when the  
21 NTSB arrived. I don't know exactly.**

22 Q. Was Mr. Meyerrose aboard the vessel that  
23 day?

24 **A. He was also aboard the vessel, because  
25 the boat was just free, and he was on board to do a**

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2 survey of the vessel.

3 Q. That day?

4 A. Yes, sir.

5 Q. Okay. And had you hired him to do a  
6 survey?

7 A. Yes.

8 Q. It wasn't Mr. Able that hired him?

9 A. No, but it went through me, but I don't  
10 recall if it was suggested by Mr. Able or not.

11 Q. What was the purpose of having the  
12 vessel surveyed?

13 A. Inspected for damage.

14 Q. Not to value the vessel?

15 A. I believe they also did a condition  
16 value of the vessel, too.

17 Q. So just to be clear, then, when did you  
18 actually learn that Morrissey said he was in auto  
19 pilot and did not switch over to non-followup hand  
20 steering, even though he thought he did? When did  
21 you learn that?

22 A. I don't remember exactly when. No, I  
23 don't remember exactly when, if it was Captain Chris  
24 Miller, where James Morrissey was. Because James  
25 wasn't there, obviously.

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2 But I don't recall if the interview was  
3 with James also that day or if it was separate -- a  
4 separate day.

5 Q. So you never -- since you didn't attend  
6 that interview, you never heard him say that, right?

7 MR. RODGERS: Objection to form.

8 A. I'm -- it's over a year -- almost a year  
9 ago. I'm trying to remember exactly what was  
10 happening. There was a lot going on at that time. I  
11 don't remember exactly who, what, where, why of that  
12 one. It would -- but it would have to reference the  
13 NTSB transcript.

14 Q. And do you have a copy of it?

15 A. No, sir.

16 Q. You do?

17 A. No, sir, I said.

18 Q. So this is what I'm trying to  
19 understand. If Morrissey wasn't interviewed that day  
20 and you didn't attend Morrissey's interview, how is  
21 it that you knew to state that Morrissey was in auto  
22 pilot and didn't switch over to non-followup hand  
23 steering but thought he did?

24 MR. RODGERS: Objection. And just to be  
25 clear, I thought he said Morrissey was

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2 interviewed by Teams or Zoom --

3 **THE WITNESS: Yeah.**

4 MR. RODGERS: -- that day.

5 MR. CHAPMAN: Well, don't put words in  
6 his mouth, okay? Don't put words in his mouth.

7 MR. RODGERS: No, it's what I heard him  
8 testify to. You're putting words into his  
9 mouth.

10 **THE WITNESS: Right. So --**

11 MR. RODGERS: You're saying he wasn't  
12 interviewed. He said he was. Can we clear it  
13 up one way or the other.

14 **A. The clarification is I don't remember**  
15 **exactly who was where during that. It was obviously**  
16 **a long day of that, too. So I don't remember exactly**  
17 **when James was interviewed for that, but I definitely**  
18 **remember hearing that from Captain Miller and/or**  
19 **James, but I would have to reference that one.**

20 Q. Do you know whether Captain Miller was  
21 also in the wheelhouse when Captain Morrissey was at  
22 the conn at the time of the allision?

23 **A. No, I don't know exactly if not, but he**  
24 **says he wasn't.**

25 Q. And his statement was that he was not?

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2 A. Right.

3 Q. He was down in the rack, right?

4 A. Correct.

5 Q. So in the block 25B, in this exhibit,  
6 page 112 --

7 A. Yep.

8 Q. -- the first sentence says The OOW --  
9 officer of the watch, right?

10 A. Yes, sir.

11 Q. -- had failed to properly switch to hand  
12 steering and also gave minimal engine orders at first  
13 in order to prevent further headway of a course  
14 change.

15 So how do you know that he gave minimal  
16 engine orders at first?

17 A. Because that must have also been -- so  
18 then recollection of it would have been -- of me  
19 being with him on that -- in Teams meeting, because  
20 that's what I remember of that, of what he -- of he  
21 said.

22 First it was initial, I started to  
23 throttle back a little bit, and then went to stern.

24 Q. How do you give engine orders from the  
25 wheelhouse or the upper pilot house on that tug?

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2 A. It has its own separate connestation up  
3 there as well.

4 Q. Yeah.

5 So he has engine control --

6 A. Yes, sir.

7 Q. -- up in that station?

8 A. Yep.

9 Q. He doesn't have to inform the engineer  
10 to do anything in the engine space, right?

11 A. No.

12 Q. So when you say he gave minimal engine  
13 orders, what does that mean?

14 A. From whatever speed he was at, to not --  
15 he didn't go from there to full stern.

16 Q. So in the second sentence in block 25B,  
17 it says The OOW, officer of the watch, stated that  
18 once he did switch to hand steering, he gave a slow  
19 astern at first and then full astern, right?

20 A. Yes, sir.

21 Q. So what was required or how did he  
22 explain the process of switching to hand steering?

23 A. I don't recall him -- I don't recall him  
24 describing the process.

25 Q. So --

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2 A. I don't remember the process.

3 Q. All right.

4 (Discussion held off the record.)

5 Q. So on the 2692-B that was completed by  
6 Mr. Baldassare, it looks like signed by him on  
7 June 19th, this is the report of the mandatory  
8 chemical testing --

9 A. Yes.

10 Q. -- following a serious marine incident,  
11 right?

12 And this reflects that all five members  
13 of the crew held Coast Guard credentials, right --

14 A. Yes.

15 Q. -- in Section 3, block 5?

16 And then in block 6, no one was -- no  
17 one underwent a drug test urine sampling within  
18 32 hours of the incident, correct?

19 A. Correct.

20 Q. And no one was tested for alcohol within  
21 two hours of the incident, correct?

22 A. Correct.

23 Q. And in block 7, did Mr. Baldassare  
24 review what he reported in that section before  
25 submitting this report to the Coast Guard?

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2 A. I would believe so.

3 MR. RODGERS: Don't guess.

4 A. No. So then no, I didn't -- I didn't  
5 type this up or review it, so I don't know what he  
6 would have done.

7 Q. You're saying he didn't run it by you,  
8 though?

9 MR. RODGERS: Objection. I don't think  
10 he said that.

11 Q. Well, if he did, you can correct me.  
12 I'm sorry. I --

13 A. No, it's right. I don't recall him  
14 running this by me for this one, because I believe it  
15 was all in that same Coast Guard e-mail thread.

16 Q. Did you e-mail with anybody besides  
17 Lieutenant Palomba at the Coast Guard regarding this  
18 incident?

19 A. Nobody separately that she wasn't  
20 involved with.

21 Q. Did you e-mail separately with the -- I  
22 forget the guy's name, with the National  
23 Transportation Safety Board?

24 A. Lucas Wisnowski?

25 Q. Yeah. Okay.



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2 A. No. Nothing directed. Didn't have  
3 counsel in it or the Coast Guard, I believe.

4 Q. All right. Do you still have those  
5 e-mails?

6 A. Yes.

7 Q. In the report of mandatory chemical  
8 testing of 2692-B, page 1114, none of the blocks in  
9 No. 4 are checked.

10 Do you know why?

11 A. I do not know why.

12 Q. Do you know if one was ever completed  
13 that was checked, those blocks were checked?

14 A. I do not know.

15 Q. And then if you turn to page 116, this  
16 is the 2692-A Barge Addendum?

17 A. Yes, sir.

18 Q. Do you know who completed this report?

19 A. I also believe it was Lenny.

20 Q. All right. It describes the extent of  
21 the property damage in block 3K --

22 A. Yes, sir.

23 Q. -- or next to 3K. Displacement of Belt  
24 Line Bridge support structure.

25 You think Mr. Baldassare told them that?

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2 MR. RODGERS: Objection. Calls for  
3 speculation.

4 A. This would have been submitted. It's --

5 Q. I can't find a date on it, so I don't  
6 know when it was submitted.

7 A. No, it's true. There's no date on it,  
8 but it -- this would also be in that e-mail thread  
9 with the Coast Guard. It was probably a request by  
10 Lieutenant to submit this one as well.

11 Q. Okay.

12 MR. CHAPMAN: I think this is 20.

13 (Exhibit 20, Daily Engine Room Logs,  
14 marked for identification, as of this date.)

15 THE VIDEOGRAPHER: We are going off the  
16 record. The time is 5:06 p.m.

17 (Discussion off the record.)

18 THE VIDEOGRAPHER: Beginning Media No.

19 5. We are back on the record. The time is 5:17  
20 p.m.

21 BY MR. CHAPMAN:

22 Q. Mr. Moore, you've been handed  
23 Exhibit 20, which I believe is a collection of Daily  
24 Engine Room Logs covering roughly June 12th through  
25 June 16th, 2024.

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2 They're in this exhibit in the order in  
3 which they were produced, which is Carver 000118  
4 through 147, although they're not necessarily all in  
5 that kind of right chronological order.

6 A. Yes, sir.

7 Q. Okay. So just looking at page 1, this  
8 is a report on the hours on the engines or the  
9 gensets on the boat, right?

10 A. Yes.

11 Q. Is there a reason that Brandon Kuster  
12 would fill this out versus the engineer?

13 A. There's a way -- and it's more of a Helm  
14 operating issue, that you -- if you don't log out, it  
15 just keeps you logged in for the entire time.

16 So it's common a lot of the -- the crews  
17 will forget to log out when they crew change or  
18 whatever may happen, and there's a separation of  
19 engine room logs versus wheelhouse logs. So a  
20 separate person can be logged in for engineering as  
21 they can be for wheelhouse logs.

22 Q. So if I understood what you said,  
23 McGrath might have filled this out?

24 A. Correct.

25 MR. RODGERS: Objection.

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2 Q. He filled it out as -- logged in as  
3 Kuster?

4 A. **Mistakenly, yes.**

5 Q. Okay. Is there any way to know who  
6 actually filled it out, then?

7 A. **We can -- you would look at Brandon**  
8 **Kuster, if he was assigned to a different vessel**  
9 **somewhere else in the payroll.**

10 Q. Well, okay.

11 And then it says Inspected, June 13th,  
12 2024, 1503, so then this report was prepared around  
13 three o'clock in the afternoon? See that on page 1?

14 A. **Yes, that's correct, when they did that.**

15 Q. And like the daily logs, is this also  
16 submitted to the company?

17 A. **Yeah. It is able to be seen by anybody**  
18 **in Helm.**

19 Q. And is there anybody with sort of  
20 specific responsibility for reviewing these as  
21 they're -- they come into the company?

22 A. **No.**

23 Q. But anybody who has access to Helm could  
24 look at them --

25 A. **Yes, sir.**

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2                   Q.       -- right?

3                               Do they also get flagged if they're not  
4 timely filled out?

5                   **A.       I believe so -- correction. They do.**

6                   Q.       So the first several pages cover hours  
7 on the engine, and then beginning on page 128, and  
8 where it looks to me like those start some separate  
9 report on readings, you know, oil pressure, water  
10 system, that sort of thing?

11                  **A.       Yes, sir.**

12                  Q.       That's a separate report though,  
13 correct?

14                  **A.       Yes.**

15                  Q.       All right. And then if you go to page  
16 136, it looks like this is yet another sort of engine  
17 room log report. I don't know what the shortening  
18 actually means, maintenance procedure report?

19                  **A.       I don't know what that is shortened for**  
20 **either.**

21                  Q.       Okay. But it's a third engine room log  
22 report, correct?

23                  **A.       Yes, sir.**

24                  Q.       That all have to be filled out  
25 presumably by the engineer, even though it says

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2 Mr. Kuster filled them out?

3 **A. Correct.**

4 Q. You wouldn't expect the captain to fill  
5 those reports out, would you?

6 **A. No, sir.**

7 Q. All right.

8 MR. CHAPMAN: Mark this 21, please.

9 (Exhibit 21, Helm Screenshot, marked for  
10 identification, as of this date.)

11 Q. You've been handed a one-page exhibit  
12 marked 21, which is Carver 000200, and at the top it  
13 says Screenshot from Helm of Event.

14 And do you know how this was obtained or  
15 what we're looking at here?

16 **A. No, sir, I do not.**

17 Q. And this is as clear as the copy that I  
18 got.

19 **A. Right. No, I actually do not know this**  
20 **one.**

21 Q. So I can read. In the middle there it  
22 says Mate James Morrissey reports the auto pilot was  
23 not completely turned off. He was able to correct  
24 and switch back over to hand steering and began  
25 backing on the Weeks 281 barge and maneuvered the

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2 barge alongside fendering on the north, and PBL  
3 railroad bridge. Photo taken. Proceeds slowly away  
4 from the bridge.

5 So I can't really tell, but it looks  
6 like it might have been Captain Miller, Christopher  
7 Miller --

8 A. Yes, sir.

9 Q. -- that prepared this.

10 I mean, is this available in some other  
11 view where you could actually read the whole thing  
12 and understand all the details?

13 A. I don't know. I wouldn't know how to  
14 access this.

15 Q. Okay.

16 A. It's hard to reference.

17 Q. So it says that the time is 1530 on  
18 June 15, 2024.

19 You see that?

20 A. Yes, sir.

21 Q. So do you know what -- is that the time  
22 that it was entered or is that -- like what is that?

23 A. I could not tell you.

24 Q. Are there any attachments?

25 A. It looks like zero attachments.

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2 Q. Do you know if this is the screen where  
3 an entry would be made?

4 A. I don't know exactly. I don't remember  
5 what the entry screens would look like.

6 Q. Okay. It looks like there's a drop-down  
7 selection box where it says Incident?

8 A. Yes, sir.

9 Q. So do you know what else you can record  
10 in here besides an incident?

11 A. No, I don't know off the top of my head.

12 MR. CHAPMAN: Can we mark this as 22.

13 (Exhibit 22, Handwritten Logs, marked  
14 for identification, as of this date.)

15 **THE WITNESS: Are these yours?**

16 MR. CHAPMAN: Yeah.

17 **THE WITNESS: Thank you.**

18 Q. Mr. Moore, you've been handed  
19 Exhibit 22, which I take to be the Rough Engine Log  
20 for the MACKENZIE ROSE?

21 A. Yes, sir.

22 Q. It doesn't say MACKENZIE ROSE on it  
23 anywhere, but it looks like one of those journal-type  
24 logbooks you were describing earlier. This one for  
25 2024 --



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2 A. Yes.

3 Q. -- right?

4 Is this the same data that is then  
5 entered into that Helm record?

6 A. I would -- I don't know exactly if it's  
7 the day of or prior day of. I would have to look at  
8 it.

9 Q. So the whole book, all 365 pages, is  
10 somewhere, right?

11 A. Yes.

12 Q. Do you know where?

13 A. No.

14 Q. Is it your practice to take them off the  
15 boat when there's a new year and store them  
16 somewhere?

17 A. We don't necessarily store them, because  
18 they're not really a required -- you know, it would  
19 be similar to like a notepad being stored in the  
20 wheelhouse, that you would write notes and comments  
21 and positions down. So not necessarily. Now of the  
22 fact that because we have the digital logs.

23 Q. Do you recall being asked to keep it for  
24 any reason?

25 A. I don't recall exactly being asked to

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2 keep it, but I'm sure we took it off the vessel after  
3 the fact.

4 Q. All right. These are pages that were  
5 photocopied from it, though?

6 A. Yes.

7 Q. Okay.

8 MR. CHAPMAN: Mark that as 23, please.

9 (Exhibit 23, Handwritten Logs, marked  
10 for identification, as of this date.)

11 Q. You've been handed Exhibit 23, and to my  
12 understanding, this is the deck log, the rough deck  
13 log --

14 A. Yes, sir.

15 Q. -- from the MACKENZIE ROSE, covering  
16 June 12th through June 16th, 2024 --

17 A. Yes.

18 Q. -- correct?

19 A. Correct.

20 Q. Again, same question. Where does the  
21 book with all 365 pages in it go?

22 A. I don't know where it is currently, but  
23 I believe we took it off the vessel.

24 Q. All right. Do you recall being asked to  
25 retain this?

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2 A. I don't recall.

3 Q. So if you could turn to page 242 in the  
4 exhibit.

5 Do you know whose handwriting is whose?

6 A. I do not.

7 Q. It would have been either Morrissey or  
8 Miller, right?

9 A. I believe so.

10 Q. So it -- I'm not really sure how this --  
11 it looks to me like some of the time stamps might be  
12 cut off over on the left-hand side of this page.

13 But what looks like 1:30 says Arrive  
14 light boat at barge. Meet with Brian Hales,  
15 Surveyor.

16 On the Helm log, it says 11:30. That's  
17 what leads me to believe that maybe the 1 is cut off,  
18 right?

19 A. Right.

20 Q. And then the next entry there, it  
21 says -- it looks like it says 2, right, two  
22 o'clock --

23 A. Yes, sir.

24 Q. -- Brian Hales off tug and barge.

25 Maybe that's noon, but if it was 2 p.m.,

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2 I would assume they would put 1400.

3 **A. I would assume it, but they very well**  
4 **might have.**

5 Q. Okay. But it says Brian Hales off tug  
6 and barge. And then somebody's made the entry Weeks  
7 281, MACKENZIE ROSE, 14.

8 And then there's the next kind of line  
9 underneath it -- written underneath that says Drafts.  
10 4-foot, 6-inch bow. 5-foot, 0-inch stern, right?

11 **A. Yes, sir.**

12 Q. Now, you told us earlier that the tug  
13 drew 16 feet?

14 **A. It was estimated, 15 to 16 feet.**

15 Q. Okay. Are these tug drafts or barge  
16 drafts, to your reading of it?

17 **A. The 14 feet would be the tow draft and**  
18 **then the 4-foot, 6 and 5-foot, 0 would be the barge**  
19 **drafts.**

20 Q. So she was slightly down at the stern by  
21 a few inches, right?

22 **A. Correct.**

23 Q. Okay. Then it 1630, it says Cocaptain  
24 reports steering went hard over, and he was backing  
25 in. We tapped the north end PBL railroad bridge.

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2 Now, that entry doesn't show up in the  
3 Helm system, does it?

4 **A. No.**

5 Q. But it's here in the rough log?

6 **A. Yes.**

7 Q. When did you get a copy of this rough  
8 log?

9 **A. Not until well after the fact.**

10 Q. You didn't ask the folks in the boat to  
11 photocopy it or take a picture of it and send it to  
12 you?

13 **A. No, because we don't utilize the rough**  
14 **logs. Their own personal -- not -- sorry,**  
15 **correction. They're not for personal use, but**  
16 **they're for their guys to write notes down. So when**  
17 **they do get squared away, they can safely type it**  
18 **into the laptop.**

19 Q. But they never typed that into the Helm  
20 report for June 15th, 2024, did they?

21 **A. No, but not everything that's on here is**  
22 **an official logbook entry.**

23 Q. So when you allide with a bridge, unless  
24 it goes into the Helm system, it's just not an  
25 official logbook entry?

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2 MR. RODGERS: Objection.

3 A. They wrote -- on the logbook entry, they  
4 wrote Incident in Helm.

5 Q. And -- but they didn't write that the  
6 steering went hard over in Helm, did they?

7 A. I don't remember.

8 MR. RODGERS: You have to show it to  
9 him.

10 Q. And then at 1635, it says Called Brian  
11 Moore and Lenny B.

12 That's Lenny Baldassare, correct?

13 A. Yes, sir.

14 Q. To report incident.

15 And then 1650, Multiple calls made  
16 between management.

17 Now, would that have been from the  
18 company's phone on the tug?

19 A. I -- yes. It would have been. It  
20 should have been, but I can't guarantee the other  
21 calls.

22 Q. Okay. And then the 1655, Lenny B  
23 reports that Coast Guard is letting us proceed to  
24 NYH, New York Harbor?

25 A. Yes, sir.

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2 Q. So they've made that as a report in this  
3 log, right?

4 A. Yep.

5 Q. They don't mention taking any photos of  
6 the bridge, though, right?

7 A. Nope, note in here.

8 Q. This logbook, the hard copy -- we would  
9 call it the rough deck log -- that's provided by the  
10 company to the tug, isn't it?

11 A. They can request it on their dailies or  
12 like supplies, requisitions, and then they're just  
13 issued out part of --

14 Q. The company's got a stock of them and  
15 provides them --

16 A. No.

17 Q. -- year over year?

18 A. No, we do not. It would be purchased as  
19 per the boats, because not everybody uses it. Some  
20 guys will use a simple note sheet or a, you know,  
21 piece of paper for their daily rough notes.

22 Q. The company pays for this logbook to be  
23 on the boat, though, right?

24 A. I would have to look at and see if we  
25 purchased the log.

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2 Q. Who would buy it if the company didn't?

3 A. Purchasing. Oh, the captains or crews.

4 I've done that before in my past when I sailed.

5 Q. And would they be reimbursed for it?

6 A. If they submitted for it, they would,  
7 but -- correction. If they submitted for it,  
8 probably not because it's not a regular order, but  
9 lots of guys carry their own personal notebooks for  
10 their travels and their history.

11 Q. So on this logbook, it doesn't like say  
12 Carver inside of it or on the cover or --

13 A. No, sir.

14 Q. It says Tug MACKENZIE ROSE on it or  
15 something like that?

16 A. I don't know what that one would --  
17 says. They usually just say red journal and it has  
18 the date. 2024, 2025.

19 Q. Okay.

20 MR. CHAPMAN: Would you mark that as 24,  
21 please.

22 (Exhibit 24, Ayers Marine Electronics  
23 Documents, marked for identification, as of this  
24 date.)

25 Q. This is -- you've been handed



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2 Exhibit 24, Mr. Moore, which is two pages of what  
3 look like either invoices or repair orders from Ayers  
4 Marine Electronics in Chesapeake, Virginia,  
5 pertaining to the MACKENZIE ROSE, numbered Carver  
6 0000249 and 250.

7 You see that?

8 **A. Yes, sir.**

9 Q. What do these represent?

10 **A. These are some of the technician reports**  
11 **to work on the auto pilot and some other items as**  
12 **VHF -- such as VHF radios and a Nema expander, which**  
13 **is utilized for syncing of equipments, either GPSs or**  
14 **computers or VHFs. I don't know exactly what it's**  
15 **for, but I've seen them before.**

16 Q. On page 249, the first page of this  
17 exhibit, there's a -- sort of a description of work  
18 performed, and it says Tested and checked all auto  
19 pilot connections. Found auto pilot back on, was at  
20 120 ohms. I think that's ohms.

21 **A. That looks like an ohms to me, yes.**

22 Q. All right. So do you know what it's  
23 supposed to be?

24 **A. No, sir, I do not.**

25 Q. Do you know whether 120 ohms is kind of

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2 like the right --

3 A. I -- that is -- far exceeds my knowledge  
4 of that. I don't know.

5 Q. All right. Do you know what date this  
6 work was done?

7 A. The labor hours have it April 3rd, 4th  
8 and April 5th.

9 Q. And is there a separate invoice that  
10 would go with this to sort of document that they  
11 billed you for it and you paid it?

12 A. Correct. Yes.

13 Q. And how does the company kind of keep  
14 track of that stuff?

15 A. With their accounts payable and  
16 receivables team.

17 Q. So this is like a vendor folder for  
18 Ayers Marine?

19 A. Yes.

20 Q. And then the second page of Exhibit 24  
21 actually has dates in it. It looks like April 10th  
22 and 11th --

23 A. Yes, sir.

24 Q. -- 2024.

25 And that would be just like a week later

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2 thereabouts or few days later?

3 A. Somewhere in there, yes.

4 Q. And under the work performed, it says  
5 Diagnose complaint that rudder went hard over  
6 underway. Checked over steering system. Updated  
7 software in auto pilot. Replace solid state relays  
8 with mechanical ones. May have caused issue.

9 All right. So you know what any of that  
10 means?

11 A. Not expertly, I don't know.

12 Q. Okay. So do you know who installed the  
13 solid state relays?

14 A. I would have to reference it, but I  
15 believe it was GMT/Mackay.

16 Q. And Ayers decided to replace them with  
17 mechanical ones --

18 A. Correct.

19 Q. -- right?

20 Now, a little further down, there's  
21 like a -- somebody's drawn an arrow, and it looks  
22 like it continues below.

23 See the end, it says -- near the end, it  
24 says Install VPS battery backup on auto pilot. Upper  
25 monitor not working. Found one laptop lid was open

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2 causing issue.

3 Do you know what they did there?

4 A. No, I do not know what a VPS battery  
5 backup is.

6 Q. Is a VPS battery backup associated with  
7 the auto pilot?

8 A. Correction. I believe it's a UPS --

9 Q. UPS, okay.

10 A. -- battery backup, and that is -- so if  
11 you were to lose the main engines or generator, the  
12 -- our battery backups would have -- allow you  
13 technically 24 hours' navigation on certain pieces of  
14 equipment.

15 Q. Okay. And then some upper monitor not  
16 working.

17 Is that the auto pilot monitor?

18 A. Unlikely. That's most likely the Rose  
19 Point monitor.

20 Q. So it sounds like they're still doing  
21 some work on the auto pilot, including updating  
22 software and replacing some relays, right?

23 A. Yes.

24 Q. And is this the last work that Carver  
25 knows was done on the auto pilot --

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2 A. Yes, sir.

3 Q. -- before the allision with the bridge?

4 A. Yeah. To my knowledge, there was  
5 no additional auto pilot work done before -- after  
6 this -- sorry, correction -- and after the allision.

7 Q. Okay.

8 MR. CHAPMAN: So would you mark these as  
9 25, please. Mark this as 25.

10 (Exhibit 25, GMT Mackay Marine Invoices,  
11 marked for identification, as of this date.)

12 Q. You've been handed Exhibit 25. You  
13 mentioned GMT Mackay as another repair company --

14 A. Yes, sir.

15 Q. -- on your marine electronics.

16 A. Yes, sir.

17 Q. All right. So Exhibit 25 consists of  
18 three pages labeled Carver 000251, 252, and 821, just  
19 because the way they were produced to us, but I  
20 believe this is all of the ones that were produced.

21 So can you tell us what GMT Mackay was  
22 doing on the MACKENZIE ROSE.

23 A. The vessel was down in New Orleans  
24 getting ready to pick up some barges, and the -- it  
25 looks like Lars, or sorry, Christian Nunnaman called

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2 in a technician, GMT Mackay, and they flew down there  
3 to get on the vessel to look at their auto pilot, and  
4 then some other various items that they swapped out  
5 as well, too.

6 Q. So looking at the first page of that, it  
7 looks like the invoice is dated December 4th --  
8 excuse me, December 5th --

9 A. Yes, sir.

10 Q. -- right?

11 And they removed some -- removed a  
12 defective AP50 Simrad auto pilot system, right?

13 A. Yes.

14 Q. So -- and then they installed two new  
15 ones, which looks like they have different series  
16 numbers, AP70 MMK2, right?

17 A. Yes.

18 Q. So I guess that's the new and improved  
19 version, right?

20 A. Yes, sir.

21 Q. And installing two, does that mean one  
22 went in the wheelhouse and the other one went in the  
23 upper house?

24 A. Correct.

25 Q. But they're basically identical auto

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2 pilot systems in each house?

3 A. Yeah. There would be no -- there would  
4 be no real differences between the two.

5 Q. Are they connected in any way?

6 A. I don't know off the top of my head.

7 Q. And is there any indication that they  
8 installed those solid state relays?

9 A. I don't know what the relay would do,  
10 but no, it does not say that on here.

11 Q. Okay.

12 A. But I don't know exactly.

13 Q. So it's possible they didn't replace any  
14 relays and they just reused what was on the boat?

15 MR. RODGERS: Objection to form.

16 A. I don't know how -- I'm not that versed  
17 in engineering.

18 Q. So who is the guy in Carver that is?

19 A. Well, this is why we hire the  
20 technicians out, the -- as the experts into it.

21 Q. So it says it was billed to Mickey  
22 Hilton. Who is Mickey Hilton?

23 A. Mickey Hilton was a former port engineer  
24 that was not there when I came there. So I think  
25 it's just in their accounting system as the last

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2 known contact.

3 Q. All right. So likewise on page 2 of  
4 this exhibit, which is numbered 252, it's also  
5 addressed to Mickey Hilton, right --

6 A. Yes, sir.

7 Q. -- billed to Mickey Hilton?  
8 Somehow it gets to you or somebody to  
9 authorize payment?

10 A. Yes. It goes through A/P, A/R.

11 Q. Okay. You don't have to approve this?

12 A. Yes.

13 Q. You do?

14 A. I would approve it after the fact, and  
15 once it comes in through invoicing.

16 Q. All right. So the invoice shows up, you  
17 approve it, and then it gets paid? Is that the  
18 process, as I understand it?

19 A. Yes.

20 Q. Okay. So this one is dated March 5th  
21 of '24, and it looks like it was for some work on  
22 March 2nd of '24. A complaint about the auto pilot  
23 switch to standby intermittently, right?

24 A. Yes.

25 Q. And then it says they couldn't repeat



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2 the problem, but noticed that some lever, the FU-80  
3 FFU lever, had liquid spilled damage.

4 Right?

5 A. Yes, sir.

6 Q. Do you know what the FU-80 FFU lever is?

7 A. I do. It's a full followup lever that  
8 looks like a little joy stick on your console that  
9 you would use to steer the vessel.

10 Q. So is that related to the non-followup?

11 A. The non-followup and full followup are  
12 two separate, independent things.

13 Full followup is when you adjust, the  
14 lever stays in that rudder angle.

15 Non-followup has a spring return where  
16 you click it and it comes right back and it will stay  
17 in that rudder.

18 So full followup, if you hold it, it  
19 will keep going; it will swing with you.

20 Non-followup always returns to center,  
21 but will hold the rudder.

22 Q. So if you want to switch over to manual  
23 steering, do you have to be a non-followup?

24 A. I don't know off the top of my head how  
25 that system was set up.

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2 Q. Like every boat's different?

3 A. You -- I would have to look at it,  
4 honestly. It would be -- it would be auto pilot to  
5 full followup, and there's specific steps. You just  
6 switch this off and switch that, but I don't know how  
7 this one's set up.

8 Q. But there was no prohibition against the  
9 captain using the auto pilot system for the transit  
10 that they were making before they allided with the  
11 bridge, right?

12 MR. RODGERS: Objection to form.

13 You can answer if you understand the  
14 question.

15 A. Repeat the question.

16 Q. Yeah.

17 There was no prohibition -- Carver  
18 didn't prohibit the captain from using the auto pilot  
19 system in the transit that he was making, you know,  
20 down the southern branch of the Elizabeth River  
21 before the allision?

22 A. No. It's up to the captain's discretion  
23 to make that judgment call.

24 Q. So on this invoice that we were just  
25 looking at, March 5, 2024, page 252, it says Also the

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2 complaint of auto pilot high response.

3 Do you know what the high response  
4 refers to?

5 **A. No, I do not.**

6 Q. So the technician says he checked the  
7 auto pilot settings, showed crew to set up the rudder  
8 gain, and counter-rudder and set up rudder limits, if  
9 needed.

10 Do you know what that means?

11 **A. Not exactly.**

12 Q. Sounds like it's related to the  
13 rudder --

14 MR. RODGERS: Objection.

15 Q. -- right?

16 **A. It's related to the auto pilot.**

17 Q. Because the auto pilot controls the  
18 rudder?

19 MR. RODGERS: Objection.

20 **A. There's no other way to not.**

21 Q. Well, that's what I figured --

22 **A. Yeah.**

23 Q. -- you know.

24 Your lawyer's objecting. I'm just  
25 trying to understand.

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2 A. Right. But I'm not --

3 MR. RODGERS: No. You're just putting  
4 words into this mouth. That's all.

5 A. But I'm not a technician, so I don't  
6 really understand what the high response rate and the  
7 gain counter-rudder settings are for that system.

8 Q. Okay. So it looks like -- it says  
9 Service org and primary tech on both of these pages,  
10 Kands.

11 Is that a person?

12 A. I do not know, actually.

13 Q. Then the last page of this exhibit is an  
14 invoice dated December 1, 2023. It looks like it's  
15 for shipping some stuff, four rudder angle  
16 indicators.

17 Are those necessary for the auto pilot  
18 to work properly?

19 A. I do not know how they are corollated to  
20 it.

21 Q. What's a rudder angle indicator tell  
22 you?

23 A. What's -- where the position -- where  
24 the rudder position is.

25 Q. And why are four of them required on the

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2 MACKENZIE ROSE?

3 A. I do not know that as well, if it's --  
4 some are spares or they just replaced a couple.

5 MR. RODGERS: Don't guess.

6 A. Oh, yeah. I don't know, actually.

7 Q. I mean, you would expect there to be  
8 two, right? One for upper house and one for the  
9 wheelhouse?

10 MR. RODGERS: Objection to form.

11 You can answer.

12 A. Yeah, there are -- what -- each  
13 concentration has a rudder angle indicator.

14 Q. Yeah. So maybe two of them for another  
15 boat?

16 MR. RODGERS: Objection.

17 A. I don't know.

18 Q. Okay. It sounds like the Simrads were  
19 replaced in late 2023, and then there's some work  
20 that Ayers and Mackay are both doing in 2024 --

21 MR. RODGERS: Objection.

22 Q. -- related to the auto pilot system,  
23 correct?

24 MR. RODGERS: Objection to form.

25 A. It -- the invoicing starts on the --

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2 late 2023.

3 Q. And that's --

4 A. But there's different components. They  
5 did more than just auto pilot, it looks like.

6 Q. Yep. Yeah, I'm not saying it's all  
7 related to auto pilot, but some of it clearly is  
8 related replacing the two auto pilots on the boat,  
9 right?

10 A. Correct.

11 Q. In late '23, along with the rudder angle  
12 indicators, right?

13 A. Yeah. I don't -- honestly don't know  
14 what the rudder angle indicators are for. I don't  
15 know how they correlate to it, but that is -- they  
16 were ordered.

17 Q. Okay. And then there's an invoice from  
18 Mackay, as well as two of them from Ayers, in 2024,  
19 March and April timeframe, related to work on the  
20 auto pilot system on the MACKENZIE ROSE --

21 A. Correct.

22 Q. -- in response to complaints about it,  
23 right?

24 MR. RODGERS: Objection to form.

25 A. I don't know about the complaints on

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2 them, but they were replaced for -- to ensure that  
3 they worked.

4 Q. Are you saying they were replaced again  
5 in 2024?

6 MR. RODGERS: Objection.

7 A. After Ayers completed their replacements  
8 and upgrades, whatever it was needed, I guess, there  
9 was no issues after that.

10 Q. Okay. I'm not trying to argue with you,  
11 but I understood that Mackay replaced them in late  
12 2023 --

13 MR. RODGERS: Objection.

14 Q. -- and that Mackay and Ayers then did  
15 some more work on them in 2024. Mackay in March of  
16 2024, and Ayers twice in April of 2024, and that's  
17 when --

18 MR. RODGERS: Objection to the term  
19 replaced.

20 MR. CHAPMAN: Let me just finish.

21 Q. -- and that's what those invoices that  
22 we've been looking at as Exhibits 24 and 25 tell us;  
23 is that right?

24 MR. RODGERS: Objection. That -- you're  
25 not asking a question, you're making a

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2 statement, and I object to the term replaced in  
3 that context. So why don't you reword it,  
4 maybe.

5 MR. CHAPMAN: That was a long one.

6 Q. Do you understand my question?

7 **A. If you can repeat it.**

8 MR. RODGERS: You want to read it over.

9 Q. The Mackay invoices document that the  
10 two auto pilot systems on the MACKENZIE ROSE were  
11 replaced in late 2023 --

12 MR. RODGERS: Objection.

13 Q. -- right?

14 **A. I don't know exactly when they were**  
15 **replaced or the components or what was exactly done.**  
16 **The technicians would have the best understanding of**  
17 **that.**

18 Q. So can we agree that the invoices  
19 document the work that was done by both Mackay and  
20 Ayers?

21 **A. Mackay and Ayers definitely did work on**  
22 **multiple systems, including the auto pilot system.**

23 Q. Okay. And to the extent there was work  
24 on the auto pilot system, those are documented on  
25 those documents that you received from Mackay and



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2 Ayers, correct?

3 **A. Correct.**

4 Q. Okay. Were there any other complaints  
5 about the auto pilot system after Ayers last worked  
6 on it in April of 2024 and the allision with the  
7 bridge on June 15, 2024?

8 **A. Not that I'm aware of.**

9 MR. CHAPMAN: Would you mark this as 26,  
10 please.

11 (Exhibit 26, 9.2 Near Miss Report,  
12 marked for identification, as of this date.)

13 Q. Mr. Moore, you've been handed  
14 Exhibit 26, which is Carver 000041 and 42 --

15 **A. Yes, sir.**

16 Q. -- and it looks like a report from your  
17 Helm system called a Near Miss Report --

18 **A. Yes.**

19 Q. -- right?

20 And the only date that I see on it is --  
21 it says it was approved on May 6th of 2024.

22 You see that?

23 **A. Yes, sir.**

24 Q. Which is the date that it was received.  
25 Maybe they're the same thing. I don't know. And

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2 that it was received by you, right?

3 A. Yes.

4 Q. So when it's received by you, do you get  
5 a notification?

6 A. No. So I have to go into Helm and  
7 acknowledge the individual near miss reports that the  
8 vessels compile.

9 Q. Okay. And --

10 A. But it's not -- sorry.

11 It's not done daily or we -- it's when I  
12 log into it and get to it.

13 Q. So it's a -- you get them because why?  
14 You're the general manager or the designated person  
15 or what?

16 A. Yeah. Because I'm the general manager,  
17 yep.

18 Q. Okay. Does anybody else get them?

19 A. I don't know if anybody else gets it. I  
20 believe these just come directly to me, but anybody  
21 else can log into Helm to see them as well.

22 Q. And how often do you log into Helm and  
23 check these?

24 A. It all depends on how busy I get, and  
25 with other things. It's -- it could be every few

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2 weeks. It could be -- I've gone longer before. It  
3 could be -- every couple of days I try to, but  
4 there's been times where it's been much longer.

5 Q. So this particular one, on May 6th of  
6 2024, do you have any memory of when you actually  
7 looked at it?

8 A. No, I do not have a memory of that one.

9 Q. Do you know whether it was before the  
10 allision with the bridge?

11 A. Well, my received date would be before  
12 the allision with the bridge.

13 Q. I know that. I'm asking you do you have  
14 any memory of when you looked at it; and if so, was  
15 it before the allision --

16 A. Oh.

17 Q. -- of the MACKENZIE ROSE with the  
18 Norfolk and Portsmouth Belt Line Bridge?

19 A. Correction. I do not know when I looked  
20 at it.

21 Q. So in Helm when you look at it, is there  
22 something that you check that I've read it or  
23 something that says I approve it or --

24 A. That would be -- that would be the  
25 receive date.

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2 Q. Okay. So we're under Section 2 where it  
3 says Office Use Only. Approved on May 6, 2024.

4 That was the date that you actually  
5 looked at it or is that the date that it just came  
6 into the system and you don't know when you looked at  
7 it?

8 A. That was the day that I logged in and  
9 acknowledged it, receipt of it.

10 Q. Okay. And was that also the same day it  
11 was received; that is, Captain Miller submitted it  
12 that date?

13 A. No, not necessarily.

14 Q. So how do we know what date Captain  
15 Miller submitted it?

16 A. I do not know that answer.

17 MR. CHAPMAN: Mark this as 27, please.

18 (Exhibit 27, Daily Log, marked for  
19 identification, as of this date.)

20 Q. You've been handed Exhibit 27,  
21 Mr. Moore, which consists of three pages labeled  
22 Carver 000030 through 32.

23 You see that?

24 A. Yes, sir.

25 Q. And if you look on the second page of

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2 this exhibit, which is page 31, at 1235, it says  
3 there's a near miss report --

4 **A. Yes.**

5 Q. -- right?

6 Is this the near miss report that you  
7 approved or reviewed on May 6th of 2024?

8 **A. I do not know how to line those two up.**

9 MR. RODGERS: Do you have one for me?

10 MR. CHAPMAN: Oh, I apologize. I'm  
11 sorry. Yes, I do.

12 MR. RODGERS: Thanks.

13 Q. How do you match them up? What's the  
14 process to go through to match them up?

15 **A. I do not know, actually.**

16 Q. I'm sorry. You what?

17 **A. I do not know, actually, how to match**  
18 **them up.**

19 Q. Okay. So this is clearly a near miss  
20 report entered by the captain in the Helm system as  
21 shown on Exhibit 27 at 12:35 on May 3rd?

22 **A. Yes. And it -- and also, multiple other**  
23 **drills and whatnot for the time before that, and time**  
24 **after. So I don't know if he was just filling out**  
25 **all the forms in -- all at once and just putting in**

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2 **information.**

3 Q. All right. So I see what I think you're  
4 saying; about he entered a bunch of drills or  
5 something like that, right?

6 **A. Yes, sir.**

7 Q. Okay. But is there a way in the Helm  
8 system to go in and look at this specific entry on  
9 the 3rd of May of 2024 and determine what was  
10 actually reported as a near miss at that time?

11 **A. I would have to look into it, into Helm.**  
12 **I'm not familiar how to pull that up.**

13 Q. All right. Because there's clearly, as  
14 you can see in Exhibit 26, something that you are  
15 reviewing and approving like three days later, right?

16 **A. Yep.**

17 Q. That is a near miss report. And I'm  
18 just trying to figure out is there some match up  
19 between the two of those?

20 **A. I would have to look into Helm further.**

21 Q. Okay. But there's a way to figure that  
22 out in Helm or not?

23 **A. I honestly do not know. I would have to**  
24 **look into it. I don't know how to easily navigate**  
25 **through Helm to pull up what he -- historicals.**

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2 Q. So this -- Captain Miller entered a  
3 report on the -- some date before you read this on  
4 May 6th, according to Exhibit 26, that says while he  
5 was transiting southbound and entering information,  
6 the steering went into standby and the rudder came  
7 hard over without alarm. By the time the captain  
8 realized the situation, we were steaming full ahead  
9 at the loaded barge. The captain pulled back power  
10 so the rudder would respond and came away from the  
11 barge with a few feet to spare. The wire dragged on  
12 the bottom and sustained minimal damage.

13 That's what Captain Miller submitted,  
14 right?

15 **A. Yes, sir.**

16 Q. Okay. So we know -- do you -- in terms  
17 of wire dragging on the bottom, does that mean they  
18 had a tug on the tow wire?

19 **A. I don't know how -- you could -- yeah,**  
20 **you would then put the two wires on the bottom of the**  
21 **seabed.**

22 Q. Okay. So it looks like he's talking  
23 about entering a bunch of data into the electronic  
24 log, and the steering somehow acted up and went hard  
25 over, and no alarm, right?

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2 A. I don't know if there was an alarm.

3 MR. RODGERS: Are you looking at this  
4 one? I think you're looking at --

5 MR. CHAPMAN: Yeah, Exhibit 26.

6 Q. When it says under the description of  
7 the near miss, right, Section 1.5?

8 A. Yep.

9 Q. That's where I'm reading.

10 So on Exhibit 26, the second page under  
11 Section 2.3, it says Lessons learned. Employee who  
12 is approving this near miss shoreside should also  
13 complete the Lessons Learned Form 9.7 in correlation  
14 to the near miss.

15 So in Section 2.3, do you know whether  
16 the lessons learned created is a required field that  
17 has to be completed?

18 A. It is not a required field.

19 Q. Okay. So you've added the word no there  
20 to it, right?

21 A. Correction. I don't know exactly right  
22 now if it's a required field or not. It could be.

23 Q. But even if it is a required field, you  
24 checked the box no?

25 A. Correct.



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2                   Q.       Okay. So there was no lesson learned as  
3 a result of what Captain Miller was reporting?

4                   A.       No, because I would have had Lenny or  
5 somebody else call and find out from it before I  
6 finally approved it. So I don't recall if it was him  
7 just entering near misses, because we encouraged near  
8 misses with all the crews. So I don't know if that's  
9 an accurate one or if it was the steering pump or if  
10 it was this or that. Like it just is him entering  
11 all these logs in before and after. I don't know if  
12 it was an accurate near miss or not.

13                  Q.       Is there any documentation of your  
14 contact with Mr. Baldassare related to this near miss  
15 report?

16                  A.       No.

17                  Q.       And is there any indication that any  
18 electronic technician or other technician went out to  
19 check out what the captain was reporting about the  
20 steering going into standby, rudder coming hard over  
21 without alarm?

22                           MR. RODGERS: Objection, foundation.

23                           You can answer if you know.

24                  A.       Not that I know of.

25                           MR. CHAPMAN: Could you mark this as 28,

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2 please.

3 (Exhibit 28, 9.2 Near Miss Report,  
4 marked for identification, as of this date.)

5 Q. So this appears to be an -- Exhibit 28  
6 appears to be another near miss report from the Helm  
7 system, right?

8 **A. Yes, sir.**

9 Q. And if you could compare this to  
10 Exhibit 26.

11 **A. Okay.**

12 Q. And so it looks like there's some  
13 heading information at the top of Exhibit 28 that  
14 should be available on Exhibit 26, but it's just not  
15 there, right?

16 MR. RODGERS: Objection. I think  
17 there's two different dates of the incidents.

18 MR. CHAPMAN: Yeah, I agree. There are  
19 two different dates.

20 Q. The question I'm asking, though, is  
21 Exhibit 28 has a -- some information at the top  
22 titled 9.2 Near Miss Report. It's got some external  
23 number, a tag that it's clearly related to the  
24 MACKENZIE ROSE, who completed it, and the time it was  
25 completed, right?

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2 A. Yes.

3 Q. Okay. Is there any reason why the  
4 document now marked as Exhibit 26 wouldn't have the  
5 same type of information at the top of it?

6 A. I don't know. I didn't submit these. I  
7 don't know where this one came from.

8 Q. You're talking about 26?

9 A. Correct. Correction.

10 Q. Okay.

11 A. Yep. So I don't know.

12 Q. Other than that, the reference to form  
13 response items and all the things that appear  
14 underneath it, appear to be in line with what you  
15 fill out in a near miss report, right, between the  
16 two exhibits.

17 A. There's some missing boxes from like  
18 two points -- or no, it's in here. Okay. It's just  
19 a different page.

20 Yeah, everything else looks similar.

21 Q. Okay. So referring to Exhibit 28, then,  
22 the report was in auto pilot failure --

23 A. Yes.

24 Q. -- while they were underway to New York?

25 MR. RODGERS: Objection to the term

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2 failure. It just says auto pilot stopped.

3 **THE WITNESS: On 28.**

4 MR. CHAPMAN: I think it says auto pilot  
5 failure under Near Miss Subject, right, 1.5.1.1?

6 MR. RODGERS: Oh, up there. Yeah, I'm  
7 looking lower down on the page.

8 **A. Okay. Yeah, 1.1 says auto pilot**  
9 **failure.**

10 Q. Okay. So --

11 MR. RODGERS: Oh.

12 Q. And then 1.5 says auto pilot stopped,  
13 tug took a hard left into other traffic lane, right?

14 **A. Yes.**

15 Q. And again, this came to you on  
16 March 4th, 2024?

17 **A. Yes.**

18 Q. And you approved it that date --

19 **A. Yes, sir.**

20 Q. -- right?

21 Again, you either checked from the  
22 drop-down or entered no in response to lessons  
23 learned created, right?

24 **A. Yes.**

25 Q. And was there any follow-on

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2 investigation, or you know, dispatch of technicians  
3 to go take a look at it, in terms of what had been  
4 reported?

5 **A. I don't know off the top of my head if**  
6 **anybody else ordered technicians.**

7 Q. So if you look again at Exhibit 25 --

8 **A. Yes.**

9 Q. -- you see that's a GMT Mackay invoice?

10 **A. Yep.**

11 Q. The second page of that exhibit, page  
12 252, references some work in early March, invoice  
13 dated March 5th, 2024 --

14 **A. Yes, sir.**

15 Q. -- regarding the auto pilot, correct?

16 **A. Yep.**

17 Q. And this is the one where he said he --  
18 there was a complaint, but he couldn't repeat the  
19 problem, right?

20 **A. Correct.**

21 Q. Okay. So you sent somebody out to look  
22 at it?

23 **A. Yes, sir.**

24 MR. CHAPMAN: Mark this as 29, please.

25 (Exhibit 29, Daily Log, marked for

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2 identification, as of this date.)

3 Q. So Mr. Moore, I believe that this is the  
4 daily log on February 28th that's marked as  
5 Exhibit 29 that relates to the near miss report  
6 marked Exhibit 28.

7 And if you look on Exhibit 29, you'll  
8 see that there was a near miss report entered at  
9 0700 hours.

10 Do you see that?

11 **A. Yes, sir.**

12 MR. RODGERS: Well, I don't -- oh,  
13 sorry.

14 Q. And then if you look on Exhibit 28,  
15 you'll see at the top it says Filled, February 28,  
16 2024 at 0700 hours, right?

17 **A. Yes, sir.**

18 Q. So it appears those two correlate,  
19 right?

20 **A. It appears that way.**

21 MR. RODGERS: Which exhibits correlate?

22 MS. WERNER: What is the Bates for  
23 Exhibit 29, please?

24 MR. CHAPMAN: 25 and 26, I think. Yeah,  
25 25 and 26.

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2 MR. RODGERS: And what correlates to  
3 what? 29 correlates to what exhibit?

4 MR. CHAPMAN: 28. The time entries.

5 MR. RODGERS: The February -- the  
6 February --

7 MR. CHAPMAN: Yeah, the time entries.

8 MR. RODGERS: Okay. February. Okay.

9 MR. CHAPMAN: Yeah. Okay.

10 Q. So there's a way to at least  
11 cross-reference those if you have the information at  
12 the top of Exhibit 28?

13 **A. Yes, sir.**

14 Q. Okay.

15 **A. Well, this one on Exhibit 29, at 0700,**  
16 **they were still at the dock.**

17 Q. Have you looked at the rough log for  
18 February 28, 2024?

19 **A. No. Sorry, I have not.**

20 Q. Okay.

21 MR. CHAPMAN: Mark this as 30, please.  
22 (Exhibit 30, 9.2 Near Miss Report,  
23 marked for identification, as of this date.)

24 Q. Do you have Exhibit 30?

25 **A. Yes.**

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**2 Q.** This is a two-page exhibit marked Carver  
**3 000039 and 40 and appears to be another near miss**  
**4 report, correct?**

**5 A. Yes, sir.**

**6 Q.** That was -- appears to have been  
**7 received and approved by you on April 19th, 2024?**

**8 A. Yes.**

**9 Q.** And it references the loss of satellite  
**10 compass?**

**11 A. Yes.**

**12 Q.** What do you understand that to mean?  
**13 Did it like fall overboard or --**

**14 A. I would -- it could be loss of a signal**  
**15 from a satellite compass.**

**16 Q.** Okay. Or that it failed, it went bad or  
**17 something like that?**

**18 A. Yeah, it could be multiple things.**

**19 Q.** Is that important in navigation?

**20 A. It --**

**21 MR. RODGERS:** Objection. He's not here  
**22 as an expert.**

**23 A. You can still navigate the vessel**  
**24 without a satellite compass.**

**25 Q.** So yeah. Under the Section 1.5



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2 Description of Near Miss, it looks like Captain  
3 Miller is reporting that it caused the auto pilot to  
4 go into standby and hard right to heavy seas?

5 **A. Yes, that's what it says.**

6 Q. Okay. Was this particular near miss  
7 report or the loss of the satellite compass ever  
8 checked out by technicians?

9 MR. RODGERS: Can you show him the whole  
10 document.

11 **A. Yeah, I don't -- what are we looking at**  
12 **here?**

13 **Well, yes, we had the technicians, but I**  
14 **don't -- I would have to look at the reference for --**  
15 **to correlate it, the timing of it.**

16 Q. Well, I note under Section 2.5 on page  
17 40, that is the second page of this exhibit, under  
18 the heading Remedial Activities of Training. We had  
19 technicians come in and completely swap all the  
20 electronics that's associated with the navigation.  
21 Since the replacement, all components are fully  
22 operational.

23 Is that what you entered?

24 **A. Yes, sir.**

25 Q. So what are you talking about there in

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2 terms of completely swap all the electronics?

3 A. It's just the various auto pilot  
4 components that's needed with the different -- the  
5 different technicians.

6 Q. So are you saying there wasn't anything  
7 else to be done?

8 A. The -- once the technician changes out  
9 the component and then they operationally test it,  
10 like I'm to believe that it's fully operational.

11 Q. So we know Mackay replaced the auto  
12 pilots in late 2023, right?

13 MR. RODGERS: Objection to the term  
14 replaced.

15 A. They --

16 MR. RODGERS: That's your term, not --

17 A. -- they worked on. They worked on.

18 MR. RODGERS: Wait until my objection's  
19 finished. Sorry.

20 That's your term, Jim, not his term. So  
21 can you correct your -- go ahead.

22 A. Mackay did work on the auto pilot  
23 system.

24 Q. Okay. They put in two new AP70s to  
25 replace the two AP50s, right?

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2 **A. Yes.**

3 Q. Okay. So is that what you're referring  
4 to when you say in Section 2.5 in Exhibit 30 --

5 MR. RODGERS: Objection.

6 Q. -- that you had technicians come in and  
7 completely swap all the electronics that's associated  
8 with the navigation?

9 **A. It doesn't necessarily refer to Mackay.**  
10 **It also refers to Ayers as well, too.**

11 Q. And the last work by Ayers on the  
12 MACKENZIE ROSE electronics was in early April of  
13 2024, correct?

14 **A. Correct.**

15 Q. So there wasn't any more work done on  
16 the MACKENZIE ROSE auto pilot after this report?

17 **A. Yeah, but the -- my approval date isn't**  
18 **necessarily the submission date.**

19 Q. So your lawyer's also produced to us a  
20 log for April 1, 2024.

21 MR. CHAPMAN: Let's mark that as 31,  
22 please.

23 (Exhibit 31, Daily Log, marked for  
24 identification, as of this date.)

25 Q. And you see at 9:34 --

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2 **A. Yes.**

3 Q. -- on Exhibit 31 -- well, let me stop.

4 So Exhibit 31 is the daily log for  
5 April 1, 2024 of the MACKENZIE ROSE, correct?

6 **A. Yes.**

7 Q. Consisting of three pages, Carver 0000  
8 27 to 29, right?

9 **A. Yes.**

10 Q. And on the first page at 9:34 a.m., it  
11 says Near Miss Report, correct?

12 **A. It does.**

13 Q. And I don't know how you would correlate  
14 these together. Maybe if we had the information at  
15 the top of the exhibit marked 30 from the Helm  
16 system, we would know whether it's the same date and  
17 time on the Near Miss Report. But these were  
18 produced to me and represented that somehow they were  
19 related.

20 MR. RODGERS: Objection.

21 Q. So that's what I'm trying --

22 MR. RODGERS: Objection to what they --  
23 what we represented to you.

24 MR. CHAPMAN: Okay. Well, if I'm not  
25 correct, then you can correct me.

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2 MR. RODGERS: I guess if we have time  
3 to.

4 Q. If, in fact, this entry on April 1 in  
5 the daily log of a near miss report is, in fact, the  
6 one that is being approved on April 19th by you, it  
7 could well be that the Ayers Marine people came in  
8 and looked at this on April 3rd, April 4th,  
9 April 10th, April 11th, right?

10 A. It's possible.

11 Q. Okay. So that's -- is that what you're  
12 referring to in Section 2.5 of Exhibit 30?

13 A. I don't know exactly, but once Ayers,  
14 the technician, signs off on it, I would have then  
15 gone in later and approved it and wrote that as a  
16 note in there.

17 Q. Okay.

18 MR. CHAPMAN: Would you mark this as 32,  
19 please.

20 (Exhibit 32, Training Records, marked  
21 for identification, as of this date.)

22 Q. Mr. Moore, you've been handed  
23 Exhibit 32, which consists of Carver 000851 through  
24 885 --

25 A. Yes, sir.

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2 Q. -- which are, to my knowledge,  
3 consecutive.

4 What are these, or what is this?

5 **A. This is pulled -- this is a report**  
6 **pulled from Helm.**

7 Q. A report of what?

8 **A. I don't know exactly.**

9 Q. It looks like it pertains exclusively to  
10 James D. Morrissey.

11 **A. Okay. I don't know. I don't --**

12 Q. I'm just asking you to confirm that it  
13 pertains to him.

14 **A. Well, he's on it, so --**

15 Q. Okay.

16 **A. -- I don't see any other name so far.**

17 Q. And under the column Type, do you know  
18 what these are?

19 **A. Those are the drills and reports that**  
20 **the vessel would put in for various -- various**  
21 **things.**

22 Q. In fact, they look to me like a record  
23 of all of the training that he was reported as having  
24 participated in --

25 **A. I don't know.**

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2 Q. -- or drills.

3 MR. RODGERS: Well, don't guess.

4 MR. CHAPMAN: Okay.

5 Q. So here is my question; under -- just  
6 looking at page 1, it's the second entry, June, Week  
7 3 Safety Training Quiz.

8 Are written quizzes given to the crew  
9 members on your vessels?

10 A. No. I have not -- I have not seen a  
11 written -- a written quiz issued out.

12 Q. So do you know what the content, or is  
13 there a way to find out what the content of the  
14 safety training quiz for June, Week 3 was?

15 A. I don't know. I'd have to look into  
16 Helm into it.

17 Q. Do you know what the icon in the very  
18 far left column is?

19 A. I don't know what that represents, that  
20 icon.

21 Q. Who would know?

22 A. TBS or Helm.

23 Q. Sorry?

24 A. TBS or Helm, what that icon represents.

25 Q. Is there a person in the Carver

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2 organization who would know?

3 A. There's people I can assume, but not  
4 necessarily. It could be multiple things. I don't  
5 know what it is.

6 Q. So you require a tracking of training of  
7 members of the crew as it occurs, right?

8 A. Yes, sir.

9 Q. It has to be entered somehow in the Helm  
10 system, and maybe it goes in through the daily log.  
11 I don't know. But you do track it?

12 A. Yeah. These are the weekly -- these are  
13 all drills and training that that person is involved  
14 with.

15 Q. And who comes up with these drills and  
16 training?

17 A. It's -- they're auto populated by  
18 TBS/Helm.

19 Q. So what I'm trying to understand  
20 is the -- who's the instructor, No. 1, right? Who  
21 does the instruction or the testing?

22 A. I don't know if -- I don't know about  
23 the safety quiz. I don't know if there is an actual  
24 quiz involved, like besides your general arm testings  
25 and your fire-fighting drills and your man overboard



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2 drills. That's all done by the captain of the  
3 vessel.

4 Q. And that training is at the captain's  
5 discretion?

6 A. Yes.

7 Q. Like whatever he feels like he should  
8 train on, or is there a cycle?

9 A. No. There's a cycle of -- like a matrix  
10 that is auto populated into -- by Helm and TBS to  
11 make sure that you're covering all the bases  
12 necessary quarterly to do it.

13 Q. So who has planned out this training?

14 A. TBS/Helm.

15 Q. So you've outsourced to TBS the training  
16 planning?

17 A. Yes, sir.

18 Q. Do you have any input into the things  
19 that people should be trained on?

20 A. We can -- I don't know off the top of my  
21 head, actually. I'm sure we can have input on  
22 changes that we would like to see to it.

23 Q. Who's currently responsible for training  
24 at Carver, Carver Marine Towing?

25 A. There's nobody assigned to training.

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2 Q. Okay. The same was true in June of  
3 2024?

4 **A. Yes.**

5 Q. Has there ever been anybody assigned to  
6 have that training responsibility while you've been  
7 general manager?

8 **A. We have TBS come in and perform**  
9 **third-party drills and training with the crew**  
10 **members, with the various vessels and crew members.**

11 Q. Yeah. So my question, though, is there  
12 somebody while you've been general manager that has  
13 had training responsibility?

14 **A. There's -- Jason Galioto will work with**  
15 **TBS to bring TBS for training.**

16 Q. Now, he's the one that you said had a  
17 new position, though?

18 **A. In -- last year he did, yes.**

19 Q. Okay.

20 **A. So now he's --**

21 Q. Is he still doing it or --

22 **A. He's doing marine compliance.**

23 Q. That's a -- that is training or isn't?

24 **A. No, it's not -- no, it's not necessarily**  
25 **training. It's involving the training of TBS to come**

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2 in and do the training for us, as they're the experts  
3 on it.

4 Q. But there's nobody that has the  
5 designated title of safety manager -- excuse me,  
6 training manager --

7 A. Correct.

8 Q. -- at Carver?

9 A. That's correct.

10 Q. Okay. Does anybody check on the scope  
11 of this training or follow up to make sure that it's  
12 adequate?

13 A. We do annual internal audits with TBS  
14 and another third-party organization, that they come  
15 and they'll go over the various components of the SMS  
16 to ensure that we're following their procedures, and  
17 that also, you know, raise any questions or concerns.

18 Q. Who's your contact at TBS?

19 A. It'd be Collin Bryant.

20 Q. Collin Bryant?

21 A. Yep, in --

22 Q. Where is he located?

23 A. In Vermont.

24 Q. Vermont?

25 A. Yes.

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2 Q. Okay.

3 A. And then there's Pat Folan, based in  
4 Alabama.

5 Q. Can you spell Pat's last name.

6 A. F-O-L-A-N.

7 Q. And they're both with this TBS --

8 A. Yes.

9 Q. -- tug and barge service or something  
10 like that?

11 A. Yes.

12 Q. Okay. Do you know who generated this  
13 report --

14 A. I do not.

15 Q. -- that's marked Exhibit 32?

16 A. No, sir, I do not.

17 Q. Was Captain Morrissey ever assigned  
18 duties to train new hires?

19 A. I don't know about assigned for training  
20 besides vessel orientations of new crew members to  
21 that vessel.

22 Q. Would he have received any training or  
23 instruction on how to do that?

24 A. Not to my knowledge.

25 MR. CHAPMAN: Mark this as 33.

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2 (Exhibit 33, Vessel Survey, marked for  
3 identification, as of this date.)

4 Q. I'm passing you a copy of what's been  
5 marked as Exhibit 33, which I believe is  
6 Mr. Meyerrose's survey --

7 A. Yes, sir.

8 Q. -- published on July 7th, 2024, Carver  
9 000796 through 815.

10 The photos that are in here look like  
11 they're all dated June 25th, 2024.

12 Do you see that?

13 A. Yes, sir.

14 Q. And your recollection is he was aboard  
15 the vessel on the same day as the interviews were  
16 being done, right?

17 A. Yes.

18 Q. Okay. There are a number of photos  
19 attached to his report that start on page 805 --

20 A. Yes, sir.

21 Q. -- all the way to the end, page 815.

22 Have you ever seen the full-size version  
23 of these photos?

24 A. No.

25 Q. Have you ever asked Mr. Meyerrose to

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2 send them to you?

3 **A. I have not specifically asked for them.**

4 Q. If you go to page 810.

5 **A. Okay.**

6 Q. The photo in the lower left is labeled  
7 Upper Pilot House.

8 **A. Yes, sir.**

9 Q. So I think it's everybody's  
10 understanding that's where Captain Morrissey was when  
11 the allision occurred?

12 **A. That's my understanding, yes.**

13 Q. Just looking at that photo, can you tell  
14 which of them is the auto pilot -- which device  
15 arrayed in this picture is the auto pilot?

16 **A. It would be the one to the far right of  
17 the screen, slightly above the fire extinguisher.**

18 Q. Okay. If I gave you a pen, could you  
19 circle it for us on this exhibit?

20 **A. Sure.**

21 Q. And then I'm going to ask you to put  
22 your initials next to it and date it so that anybody  
23 that looks at it later will know who did that. Okay?

24 **A. Well, then, no, I won't.**

25 Q. Well, you have to.

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2 A. Well --

3 MR. RODGERS: He doesn't have to.

4 A. No, because I'm not familiar with it,  
5 so...

6 MR. RODGERS: Then don't do it.

7 Q. I'm just asking you -- I'm not asking  
8 you to say absolutely for certain that's what it is.  
9 It's just the --

10 A. Then --

11 Q. -- what you believe --

12 A. No.

13 Q. -- it to be.

14 A. Not doing it.

15 Q. So you're telling us --

16 A. You can come aboard the vessel and look  
17 at it again or question Jason Meyerrose on it.

18 Q. Yeah. So I don't want to argue with you  
19 about it, but I've been asking to board the vessel  
20 for a couple of months now, okay?

21 A. That's --

22 MR. RODGERS: I thought we had a date  
23 for it.

24 A. That's not me.

25 MR. CHAPMAN: No, we don't have a date.

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2 Q. All right. So just to be clear, you  
3 can't reliably pick out which of those devices that  
4 are seen in a photograph --

5 MR. RODGERS: Objection. Objection.  
6 Wait. He just said he's not going to do it in  
7 the manner you asked him. He's not the captain,  
8 and he's not here as an expert. And you will  
9 get your inspection --

10 MR. CHAPMAN: Great.

11 MR. RODGERS: -- as you know.

12 And we'll get ours of the bridge, right?

13 MR. CHAPMAN: Offered this Friday, if  
14 you want to come look at it, okay? It's  
15 available.

16 Q. So let me flip back --

17 **A. Sure.**

18 Q. -- to page 800.

19 **A. Okay.**

20 Q. There's two lines that are highlighted  
21 on that page. This document was produced to me with  
22 that highlighting, so I don't know who put that  
23 there.

24 **A. Okay.**

25 Q. But I want to ask you, did you?



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2 A. No.

3 Q. Okay. So the first item says Two  
4 non-followup steering controllers.

5 And on that boat, there would be one in  
6 the upper wheelhouse and then the wheelhouse, right?

7 A. I couldn't attest to if there's one --  
8 an up and lower, but I would have to look at.

9 Q. If it says there's two, that would maybe  
10 indicate that there's one in the wheelhouse and one  
11 in the upper?

12 A. It's a possibility.

13 Q. Okay. And then it says there's one  
14 Simrad AP50 auto pilot.

15 Do you know whether there's only one  
16 auto pilot on that boat?

17 A. Not to my knowledge.

18 Q. Okay. You think there's two?

19 A. I believe so, yes.

20 Q. Okay. When you were aboarded on  
21 June 25th, did you look at the auto pilots?

22 A. In the lower wheelhouse, because it's  
23 right in front of you, but I didn't go up to the  
24 upper wheelhouse to look at it.

25 Q. And do you know whether it was an AP50

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2 in the lower wheelhouse?

3 A. No, not that -- not -- I don't know  
4 if -- exactly, because I didn't look at the  
5 make/model of it.

6 Q. The reason I'm asking is Mackay said it  
7 installed two AP70s, and this says there's an AP50.  
8 I'm just trying to understand why.

9 A. So you would have to follow up with  
10 Jason on this one, but Jason's done multiple surveys  
11 of the vessel over his history. So I know that he  
12 utilizes the preexisting and notes any changes on it.  
13 So that could be a simple typo by Jason Meyerrose.

14 MR. CHAPMAN: Could you mark this as 34,  
15 please.

16 (Exhibit 34, Voyage Plan, marked for  
17 identification, as of this date.)

18 Q. So you've got Exhibit 34?

19 A. Yes, sir.

20 Q. Yeah. So this appears to be a voyage  
21 plan labeled Carver 000890 through 896.

22 A. Yep.

23 Q. And it appears to be a voyage plan for  
24 the MACKENZIE ROSE on June 15, 2024, correct?

25 A. Yes, sir.

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2 Q. So who is it filled out by?

3 **A. It says Lenny Baldassare on here.**

4 Q. Yeah. So is there a reason why his name  
5 appears in here?

6 **A. No, I do not know.**

7 Q. I'm sorry?

8 **A. No, I do not know.**

9 Q. Okay. Would you ordinarily expect the  
10 master or the mate to fill out the voyage plan?

11 **A. I want to believe so, yes.**

12 Q. Okay. It says it was filled out  
13 June 15, 2024, 0000 hours, which I take to be  
14 midnight --

15 **A. Yes.**

16 Q. -- right?

17 **A. Yes.**

18 Q. And do you have any information that  
19 Mr. Baldassare was up late at night on the 15th or --

20 **A. No, I do not know.**

21 Q. -- or late on the night of the 14th and  
22 filling it out in the wee hours of the 15th?

23 **A. I do not know.**

24 Q. Okay. And then it looks like it  
25 describes all the crew members. And the tow was

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2 going to be configured as pushing ahead, with an  
3 overall length of 300 feet and a width of 55 feet,  
4 and the draft of the tug was 14 feet, correct?

5 **A. On here, yes.**

6 Q. When it says in block 3.5, Air draft of  
7 tug and tow, do you know whether the barge was  
8 sitting up higher or the tug would have been sitting  
9 up higher?

10 **A. The tug was much higher.**

11 Q. Okay. And then there's references to  
12 the barge loaded the forward and aft drafts, and it  
13 looks like they reported it as being slightly down by  
14 the head at 6 feet, and 5 feet at the stern; is that  
15 right?

16 **A. That's what it says on here.**

17 Q. Okay. And then -- okay. I see it now.  
18 The air draft of the cargo -- I mean, the barge was  
19 10 feet, right?

20 **A. Yes, sir.**

21 Q. Okay. There's an indication that there  
22 was a predeparture safety meeting conducted in block  
23 5.5?

24 **A. Yes. Yep.**

25 Q. And a prearrival safety meeting?

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2 A. Yes.

3 Q. And that a weather forecast was  
4 obtained, right?

5 A. Yes.

6 Q. And I guess reviewed, right? Correct?

7 A. Yes, sir.

8 Q. Okay. So then on Section 6, it's called  
9 a 9.4 GAR risk assessment -- model risk assessment.  
10 I think we saw something earlier that referenced  
11 that, and you didn't know what GAR meant?

12 A. Yes, sir.

13 Q. Does this give you any more information  
14 about what a GAR is?

15 A. No. I still don't know what GAR stands  
16 for.

17 Q. Could it be green, amber, red?

18 MR. RODGERS: Objection.

19 You can answer if it refreshes your  
20 recollection. Don't guess.

21 A. Looking at 6.1, it does say GAR model  
22 and then parentheses green, amber, red.

23 So yes, that refreshes it.

24 Q. And then it looks like there's some  
25 entries for risk scores in 6.2, 6.4, 6.6, 6.8, 6.10,

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2 and 6.12, right?

3 A. Yes, sir.

4 Q. And there's a total risk score in 6.14.

5 Do you know what resources

6 Mr. Baldassare would have used in order to determine

7 these risk scores?

8 A. No, sir, I do not.

9 Q. Is there something in the safety

10 management system that sort of gives you risk score

11 ranges or things that you need to consider?

12 A. It would have to be referenced in 9.4.

13 Q. And that's Section 9.4 of the safety

14 management system?

15 A. Yes, sir.

16 Q. Okay. If you go back to the first page

17 of this report, in block 1.2 it says Please attach

18 your Rose Point voyage plan to this form. To do so,

19 save the voyage plan to your computer and then click

20 on the paper clip, either at the top of the form or

21 the one on the right side.

22 So it sounds like there's a way to

23 create a voyage plan in Rose Point and then attach it

24 to this document?

25 A. Yes. You can create a -- correction.

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2 You can create a course in Rose Point, not  
3 necessarily a voyage plan in Rose Point.

4 Q. So do you know whether there was a  
5 voyage plan in Rose Point for this particular voyage?

6 A. I don't know if the courses were entered  
7 into Rose Point.

8 Q. I mean, there's certainly a Rose Point  
9 tracking, because it's harvesting data at a -- some  
10 regular interval about the track of the voyage,  
11 right?

12 A. Yes.

13 Q. Okay. But this voyage plan from Rose  
14 Point sounds like a separate document that can be  
15 created -- that needs to be created before you set  
16 out, right?

17 A. Not to my knowledge. I don't -- it  
18 could be the verbiage is different or I've never seen  
19 a Rose Point independent of -- sorry, correction.  
20 I've never seen a voyage plan independent on Rose  
21 Point.

22 Q. The Helm system anticipates there will  
23 be one, though, right?

24 A. On here, yes.

25 Q. And is that provided for your safety

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2 management system?

3 **A. What the Rose Point would provide you is**  
4 **the courses, the weigh points, and any restrictions**  
5 **to drafts and whatnot. So you can interpolate that**  
6 **as a voyage plan if you add additional other**  
7 **information to it.**

8 Q. All right.

9 MR. CHAPMAN: She needs to go off the  
10 record, and everybody needs to take a break.

11 **THE WITNESS: Okay.**

12 MR. RODGERS: Great.

13 THE VIDEOGRAPHER: We are going off the  
14 record. The time is 6:50 p.m.

15 (There was a recess taken.)

16 THE VIDEOGRAPHER: Beginning Media No.  
17 6. We are back on the record. The time is 6:59  
18 p.m.

19 MR. CHAPMAN: Would you mark this as the  
20 next exhibit, please.

21 (Exhibit 35, Master's Daily Report,  
22 marked for identification, as of this date.)

23 Q. You've been passed Exhibit 35,  
24 Mr. Moore, which looks like the standard form for the  
25 daily vessel reporting for the MACKENZIE ROSE --



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2 A. Yes.

3 Q. -- in Helm, right?

4 A. Yes, sir.

5 Q. And this one's not filled out. So you  
6 can see, I think, all the ones that showed where  
7 something is required or not required, right?

8 A. Yes.

9 Q. And it is pages 000898 through 906.

10 On the second page of this exhibit under  
11 block 1.13 where it says Lookout --

12 A. Yes, sir.

13 Q. -- that's a -- looks like it's a -- you  
14 have to check one of those boxes. It's required,  
15 right?

16 A. Yep.

17 Q. If you check yes, does it open any  
18 further drop-down, like you have to pick who was the  
19 lookout?

20 A. I don't know off the top of my head.

21 Q. Or would it give you any way in which it  
22 would identify a specific time that the lookout was  
23 on watch?

24 A. I don't know. I'd have to look into it.

25 Q. And on the second to last page, 905,

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2 under Section 5.3 of this form, it says If a  
3 prebridge transit or lock transit meeting was  
4 conducted, check Done, right?

5 **A. Yes, sir.**

6 Q. So I guess it's either yes or no. It  
7 doesn't look like it's required on this form, though?

8 **A. It is not.**

9 Q. Okay. So if you don't check it, it just  
10 stays blank?

11 **A. As far as I know.**

12 Q. Okay. And if you do check it, it just  
13 says yes, we had one or it was done?

14 **A. I don't know what the -- what the icon**  
15 **would look like.**

16 Q. So there's a section in Helm on Bridge  
17 Transit that requires a pretransit meeting or  
18 conversation around transit and bridges, isn't there?

19 **A. I would have to reference. There's a**  
20 **predeparture and a prearrival.**

21 Q. But there's a separate section on bridge  
22 transits?

23 **A. There is a separate section on bridge**  
24 **transits.**

25 Q. That requires you to do that, right?

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2 A. I would have to look at it, but...

3 Q. But the only way you track whether it  
4 was done is if the master checks this box, right?

5 A. I -- yes.

6 Q. And that's part of your safety  
7 management system?

8 A. Yep.

9 MR. CHAPMAN: Would you mark that as 36,  
10 please.

11 (Exhibit 36, Master's Daily Report,  
12 marked for identification, as of this date.)

13 Q. You've been handed Exhibit 36, which  
14 consists of Carver 000001 to 24, which I think are  
15 the reports -- the daily reports from June 12th  
16 of '24 through June 16th of '24.

17 A. Yes, sir.

18 Q. Excuse me. I think it actually goes --  
19 only goes through June 15th of 2024 --

20 A. Yes, it does.

21 Q. -- not the 16th.

22 So these are the forms that are actually  
23 filled out over that time period.

24 And so if you look at page 19 --

25 A. Okay.

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2 Q. -- this is the one for the 15th, and it  
3 looks like it was filled out by Captain Miller at  
4 2355 hours.

5 **A. Yes, sir.**

6 Q. That would have been probably the tail  
7 end of his second watch --

8 **A. Yes.**

9 Q. -- right?

10 And if you look in block 1.13 on page  
11 20, it's just -- the Lookout is N/A, not applicable?

12 **A. Yes.**

13 Q. So the options are yes, no, not  
14 applicable, right?

15 **A. Correct.**

16 Q. So you're transiting four bridges from  
17 Coastal Precast Systems down to the sea buoy.

18 Why is there no lookout for those? Why  
19 is it not applicable?

20 MR. RODGERS: Objection.

21 **A. It's not restrictive visibility.**

22 Q. That's the only reason?

23 **A. It's up to the captain's discretion. If**  
24 **there's congestion, if there's recreational vessels.**  
25 **There's multiple things. It's up to the captain to**

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2 **decide lookouts or not.**

3 MR. RODGERS: What section was that?

4 Sorry.

5 MR. CHAPMAN: 1.13.

6 **THE WITNESS: It's on 20.**

7 MR. CHAPMAN: Yeah, page 20.

8 MR. RODGERS: On 6/15/24, right?

9 MR. CHAPMAN: Yeah.

10 **THE WITNESS: Yes.**

11 MR. RODGERS: Okay. Got you.

12 Q. So from Carver's perspective, it's  
13 completely up to the captain's discretion or whoever  
14 the officer of the watch is whether to post a  
15 lookout, right?

16 MR. RODGERS: Objection to form.

17 You can answer.

18 **A. Captain has ultimate -- overall**  
19 **authority of the vessel.**

20 Q. I realize that. I'm just -- but my  
21 question is it's -- Carver is basically saying it's  
22 the captain's discretion whether to have a lookout  
23 posted during --

24 **A. I would have to --**

25 Q. -- that transit?

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2 A. I would have to reference the SMS for  
3 any lookout particulars, but yes, it would be up to  
4 the captain or the officer on the watch.

5 MR. CHAPMAN: Would you mark that as the  
6 next exhibit, please. I think it's 37.

7 (Exhibit 37, Master's Daily Report Log,  
8 marked for identification, as of this date.)

9 Q. So Mr. Moore, you've been handed  
10 Exhibit 37, which is Carver 156 through -- I think  
11 it's 160? Check the last page there.

12 A. Yes.

13 Q. Might be 161, but --

14 A. 161.

15 Q. Okay. So that looks to me to be  
16 virtually identical to the one that begins on  
17 Exhibit 36, beginning at page 19.

18 You can pull 36 out and look at page 19  
19 of Exhibit 36.

20 A. Page 19?

21 Q. Yeah.

22 A. Okay.

23 Q. You see that?

24 All of the information looks the same  
25 with one exception, and that is in the filled block

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2 at the top of the form, it's the same date, but  
3 there's a difference of one hour.

4 The one in Exhibit 36 is at 2355 hours,  
5 and the one in Exhibit 37 is at 2255 hours.

6 Is there a way to submit duplicate  
7 reports in this Helm system?

8 **A. Not that -- not to my knowledge.**

9 Q. Is there a reason that you know of that  
10 there would be a second report that appears to be  
11 dated an hour earlier?

12 **A. No, I do not know.**

13 Q. Once a report is submitted, can the  
14 timing -- can the reference to the time of the report  
15 be changed in any way?

16 **A. Until the captain closes it out, you  
17 can -- once he signs off on it for the day, you can  
18 enter as needed.**

19 Q. You mean until he signs off on it?

20 **A. Yeah, correct.**

21 Q. Okay.

22 **A. But I don't know how -- I don't know how  
23 the time stamps would be different on that one.**

24 Q. Okay.

25 MR. CHAPMAN: Mark this as 38, please.

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2 (Exhibit 38, Certificate of Inspection,  
3 marked for identification, as of this date.)

4 Q. Mr. Moore, I believe this is the  
5 Certificate of Inspection for the MACKENZIE ROSE --

6 **A. Yes, sir.**

7 Q. -- numbered Carver 000792 through 794,  
8 correct?

9 **A. Yes, it is.**

10 Q. And this is the one that was in effect  
11 when the allision occurred, right?

12 **A. Yep.**

13 Q. So if you look on page 2, about the  
14 middle of the page, it begins with the statement This  
15 vessel has been certificated in accordance with the  
16 Towing Safety Management System (TSMS) option  
17 utilizing the external survey program. The Towing  
18 Vessel Inspection Bureau is the approved third-party  
19 organization. The TSMS certificate number associated  
20 with this vessel is CMT-2018-99.

21 Where do we find that document?

22 **A. We would have to get it from the Towing**  
23 **Vessel Inspection Bureau, TVIB.**

24 Q. And who are they?

25 **A. They're similar to -- correction. So**



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2 Coast Guard is short on manpower. So years ago when  
3 they initiated Subchapter M, they designated  
4 third-party options. One could be either Coast Guard  
5 approval; one would be American Bureau of Shipping;  
6 another one could be Towing Vessel Inspection Bureau.  
7 I'm not sure if there's other ones, but there's other  
8 third-party organizations that inspect the vessels  
9 due to the Coast Guard's manpower shortage.

10 Q. So this outfit, Towing Vessel Inspection  
11 Bureau, is the one that has actually inspected the  
12 vessel?

13 A. Yes. The Coast Guard has the option to  
14 call upon the vessel, but yes, TVIB was the  
15 inspectors.

16 Q. So you have a certificate issued by the  
17 Towing Vessel Inspection Bureau?

18 A. Somewhere there must be, yes. I would  
19 have to reference it, pull it up.

20 Q. It sounds like it would have been  
21 submitted to the Coast Guard?

22 A. Well, the Coast Guard -- yes.  
23 Correction. It -- so the Coast Guard receives the  
24 inspection report from TVIB, and then once they  
25 approve that inspection report, the Coast Guard

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2 issues out the certificate of inspections.

3 Q. And when this COI, certificate of  
4 inspection, was last issued, were there any  
5 requirements that the Coast Guard imposed or the  
6 Towing Vessel Inspection Bureau imposed that you had  
7 to -- required some correction of the vessel before a  
8 certificate would be issued?

9 A. No. They won't issue a COI with any  
10 open items.

11 Q. But they would notify you what the open  
12 items are --

13 A. Correct, yes.

14 Q. -- right?

15 And that was -- my question is were  
16 there any?

17 A. That was before my time. I wasn't aware  
18 of any.

19 MR. CHAPMAN: Would you mark this as the  
20 next exhibit, please.

21 (Exhibit 39, Letter dated June 20, 2024,  
22 marked for identification, as of this date.)

23 Q. Mr. Moore, you've been handed  
24 Exhibit 39 --

25 A. Correct.

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2 Q. -- to the deposition, which is a letter  
3 that I sent to Mr. Nick Laraway dated June 20, 2024,  
4 and it shows a copy to you on page 2.

5 **A. Okay.**

6 Q. So is that your e-mail at Carver?

7 **A. Yes.**

8 Q. So do you recall receiving this letter?

9 **A. I don't recall it, but I've seen it.**

10 Q. It was asking you to preserve -- asking  
11 Mr. Laraway to preserve information that might  
12 otherwise be lost, right?

13 **A. Yes, sir.**

14 Q. Okay. Did you do anything in response  
15 to it to preserve any of the requested information?

16 **A. I did not do anything in particular.**

17 Q. Do you know whether Mr. Laraway did?

18 **A. No, I don't know what Mr. Laraway did,**  
19 **either.**

20 Q. And it specifically requests around  
21 preserving texts, e-mails, voicemails and messaging  
22 service communications.

23 You told us that the phone that you had  
24 at the time you since replaced --

25 **A. Yes.**

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2 Q. -- right?

3 So were the texts, e-mails, voicemails,  
4 or other messages on that device preserved before you  
5 got rid of it?

6 A. It would still be a cloud-based backup  
7 for the iCloud, which is an iPhone. So I'm not sure.  
8 I -- correction.

9 MR. RODGERS: Just --

10 A. Let me --

11 MR. RODGERS: -- hold on, hold on, hold  
12 on.

13 Is there a reason this was sent to  
14 Mr. Laraway and not Carver's attorneys?

15 MR. CHAPMAN: Yeah. I wasn't aware that  
16 they had counsel at the time.

17 MR. RODGERS: Well, I don't -- I don't  
18 want him to discuss anything that has to do with  
19 what they did to preserve. That's not  
20 appropriate.

21 MR. CHAPMAN: I'm --

22 MR. RODGERS: I understand the letter.

23 MR. CHAPMAN: -- I'm entitled to ask him  
24 what he did.

25 MR. RODGERS: No. You're entitled to

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2 demand this, and we then produce, and -- you  
3 know, you're not entitled to do this, because it  
4 actually impedes on what his former lawyer asked  
5 him to do or we asked him to do. And that's  
6 attorney-client privilege, until the court tells  
7 us otherwise.

8 MR. CHAPMAN: So --

9 MR. RODGERS: We're not here to have a  
10 hearing on preservation. It's not fair to the  
11 witness, and I don't think it's appropriate, to  
12 be honest. So I'm not going to have him answer  
13 whether he or Carver actually complied with your  
14 letter. You're not his attorney, and you sent  
15 it directly to a party, and whether or not you  
16 knew who the attorney was is beside the point.  
17 If you find out later that there's been things  
18 that weren't preserved, then you make your  
19 motion.

20 MR. CHAPMAN: And I'm testing right now  
21 what was preserved.

22 MR. RODGERS: Well, I'm going to tell  
23 him not to answer to anything that has to do  
24 with this letter. You've asked him if he  
25 preserved things during this deposition, and he

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2 answered you whether he thought they had it or  
3 whatever, but not to this letter. This is  
4 not -- this is not appropriate.

5 MR. CHAPMAN: Are you done?

6 MR. RODGERS: Not really, but you can  
7 go.

8 Q. So you said that you had preserved  
9 things in the cloud. Is that your Apple iCloud  
10 account?

11 A. Yeah. I -- so I didn't -- I didn't  
12 specifically back it up to there, but I would -- I'd  
13 not say assume, because it's bad thing, but when you  
14 transfer it over, it would be done through AT&T or  
15 whoever.

16 Q. When was your first contact with an  
17 attorney representing Carver in connection with the  
18 allision?

19 A. I believe it was with Travelers  
20 directly, and then until they assigned Chris Abel.

21 Q. When did that occur?

22 A. I don't remember off the top of my head.

23 Q. If you could turn to the last page of  
24 this exhibit.

25 A. Yep.

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2 Q. Have you seen this photograph before?

3 A. Yes. After the fact, yes.

4 Q. Obviously, this was taken from the land  
5 side?

6 A. Yes, sir.

7 Q. Okay. Did you have this photograph  
8 before you submitted the report to the Coast Guard?

9 A. No.

10 Q. You didn't see it before then?

11 A. No, sir.

12 MR. RODGERS: Is that not the normal way  
13 the track moves? A little bit of a roller  
14 coaster.

15 Q. Are there any written materials, manuals  
16 or handbooks, that are given to new hires at the  
17 towing company?

18 A. I would have to refer to HR. Once  
19 issued out, there's an employee benefits guide, and I  
20 don't exactly remember what else is issued out, if  
21 anything.

22 Q. Is there anything provided to them in  
23 the nature of the marine work that they're going to  
24 be doing?

25 A. No.

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2 Q. Like a safety rule book or that sort of  
3 thing?

4 A. No. They're to review the SMS on vessel  
5 orientation.

6 Q. So when you say review the SMS, can you  
7 tell us what's involved with a new hire doing that.

8 A. They -- the onboard captain or mate or  
9 whoever the assigned person is, whenever it's a --  
10 either a new deckhand to another captain, they go  
11 through the motions of inspecting the vessel, make  
12 sure all the -- they know where all the safety  
13 equipment is; and then I believe also on there is  
14 where to reference the SMS and login to access it.  
15 But I would have to look at the onboarding sheets to  
16 be more accurate.

17 Q. So there's -- is that a Helm sheet,  
18 onboarding sheet?

19 A. Yes, correct. Yes, sir.

20 Q. Okay. It would tell you something about  
21 the orientation training that they got?

22 A. Yes.

23 Q. All right. And that would be something  
24 provided for in your safety management system, what  
25 they're supposed to be trained on?



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2 A. I would have to reference the SMS, but  
3 yes, it -- that form is in Helm.

4 Q. And who completes that form?

5 A. The onboard captain or mate or  
6 designated crew member giving the orientation.

7 Q. And is there any sort of oversight of  
8 that process, somebody ensures that it was done,  
9 before people are allowed to sail on one of your  
10 tugs?

11 A. I would have to reference it, but I  
12 believe it auto populates once a new crew member is  
13 assigned to that vessel.

14 Q. And it's -- but it's overseen by either  
15 the master or the mate --

16 A. Correct, yes.

17 Q. -- on the vessel?

18 A. Yes, sir.

19 Q. So can the deckhands access the safety  
20 management system?

21 A. Yes, they should be able to.

22 Q. How do they do that?

23 A. Through the wheelhouse computer.

24 Q. So the only access on the vessel is in  
25 the wheelhouse on the laptop in there?

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2 A. Yes, because that's the most updated --  
3 the most updated document control.

4 Q. So if a deckhand wanted to enter a  
5 complaint about how a master was either treating him  
6 or some concern that he didn't feel like was being  
7 sufficiently addressed, is there a system for that in  
8 Carver to -- that they can make a complaint and not  
9 be treated like a whistleblower or something like  
10 that?

11 A. Right. So they have -- every crew  
12 member is issued at the stop work authority, so they  
13 can, you know, voice their opinion to whomever there.

14 The role is a designated person ashore  
15 is also to be the middleman from the crew member to  
16 another manager or sorts, where I would -- or  
17 whomever the DPA is at the time, would go through it,  
18 hear them out, and then steer it in the right avenue.  
19 It's through HR or if it's through engineering or if  
20 it's through deck operations. So that's me falling  
21 under DPA, and then HR also is very open on having an  
22 open door policy with HR.

23 Q. So it sounds like there's a pretty, I'll  
24 say, robust policy about making sure people have  
25 their say around stop work or safety issues, that

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2 sort of thing --

3 **A. Yes, sir.**

4 Q. -- right?

5 And is that monitored or kind of  
6 supervised in some way?

7 **A. I don't have the knowledge on that one,**  
8 **how it would be monitored.**

9 Q. Do you have any input into it or have  
10 any oversight on it?

11 **A. I've never gotten any calls, e-mails, or**  
12 **any purpose to utilize that from any deckhand or crew**  
13 **members or anybody. So HR would have the best**  
14 **insight on that.**

15 Q. So it might have happened, and it went  
16 through HR or something and you weren't dialed into  
17 it?

18 **A. It is possible.**

19 Q. For these new hires, are there any  
20 testing that's done to, you know, ensure that they  
21 know how to perform the duties on the tug before  
22 they're allowed to serve?

23 **A. Before there is the -- I would have the**  
24 **right -- I don't know off the top of my head. It's**  
25 **in the SMS, but there are forms for crew members to**

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2 get signed off on assessments.

3 Q. Who does the assessment?

4 A. A senior captain or a -- some sort of  
5 the port captain role.

6 Q. And is lookout training part of that  
7 process?

8 A. Not that I'm aware of.

9 Q. Is bridge transiting part of that  
10 process?

11 A. Not that I'm aware of.

12 Q. During the investigation you did before  
13 submitting the report to the Coast Guard, did you  
14 determine that the auto pilot system was actually  
15 engaged during the transit that led to the allision?

16 A. I didn't -- I couldn't identify it, if  
17 it was actually engaged or not. I don't know if  
18 there's a report that auto pilot system produces or  
19 not.

20 Q. You just know what Captain Morrissey  
21 told you?

22 A. Yes, sir.

23 Q. Or what Captain Morrissey said, whether  
24 it was to you or others --

25 A. Yes, sir.

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2 Q. -- right?

3 Can any data be downloaded from the auto  
4 pilot?

5 A. Not by -- not that I know of.

6 Q. Did you have any technicians come in and  
7 determine whether it could be downloaded to --

8 A. I do believe we did ask Ayers after the  
9 fact and GMT, and they -- I would have to reference  
10 that one with Lenny, but I believe they both said  
11 they couldn't, or none that I knew of.

12 Q. Did you talk to them personally?

13 A. No, sir.

14 Q. You believe Mr. Baldassare did?

15 A. I believe so, yes.

16 Q. Did he report to you that he had?

17 A. I remember it coming up in conversation  
18 by way of counsel requests probably, to see if we can  
19 get more data on it.

20 Q. Do you know who he spoke with at either  
21 Ayers or Mackay?

22 A. I do not.

23 Q. Is there any sort of, I'll call it, a  
24 ride-along procedure where somebody's a new hire, or  
25 maybe they're not even a new hire, but they've been

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2 with the company for some period of time and somebody  
3 rides along, just to sort of keep an eye on them and  
4 making sure that they're doing what they're supposed  
5 to, that sort of thing?

6 **A. Yes. There's forms in Helm for**  
7 **navigation assessments that are done by senior**  
8 **captains, port captains or somebody of that level.**

9 Q. And they would actually accompany the  
10 vessel on a voyage --

11 **A. Yes, sir.**

12 Q. -- to do that?

13 **A. Yeah.**

14 Q. So is there somebody specific in the  
15 Carver Marine Towing organization that typically does  
16 that?

17 **A. It was always performed by a senior**  
18 **captain or a port captain.**

19 Q. You mentioned a guy who was a senior  
20 captain, and I don't recall his name now, but is he  
21 one of those senior captains?

22 **A. He would be, yes, one of them.**

23 Q. Are there others?

24 **A. At the time, there was one. Now we have**  
25 **two work -- I call them working port captains.**

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2 Q. So it would be one or the other?

3 A. Yes.

4 Q. Okay. So who's the other guy?

5 A. Mark Pearson.

6 Q. Mark Pearson?

7 A. Yes. He's the guy you referenced  
8 before, earlier.

9 Q. Oh, I apologize. I thought Pearson was  
10 the only one. You've -- but you've since hired  
11 somebody else?

12 A. I have -- we transitioned another one,  
13 Adam Clark, who has also been with the company for a  
14 while, but he was sailing as captain. And a few  
15 months ago, we escalated him up to a working port  
16 captain. So still sails actively, opposite of  
17 Captain Mark Pearson.

18 Q. And I'm sorry. I -- you said his name  
19 and it -- what was it again?

20 A. Adam Clark.

21 Q. Adam Clark?

22 A. Yes, sir.

23 Q. Is Clark with an E?

24 A. C-L-A-R-K.

25 Q. And how frequently are those, I'll call

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2 them, ride-alongs?

3 A. Oh. They're performed annually, at  
4 minimum.

5 Q. And is there a report in Helm that gets  
6 filled out for those?

7 A. Yes, sir.

8 Q. What's that called?

9 A. I would have to reference it, but I  
10 believe it's called Navigation Assessment.

11 Q. And it -- does it have its like own  
12 section in the safety management system?

13 A. It has its own section in forms, under  
14 Helm.

15 Q. Okay. Has the company ever disciplined  
16 anyone for failing to comply with your safety  
17 procedures related to bridge transits?

18 A. Not that I'm aware of.

19 Q. What about lookout postings?

20 A. Not that I'm aware of.

21 Q. What about use of the auto pilot?

22 A. Also, not that I'm aware of.

23 Q. Are you aware of any best practices in  
24 the towing industry that recommend disengaging auto  
25 pilots when transiting near fixed objects like



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2 bridges?

3 **A. No, I'm not.**

4 Q. What's the purpose of having an auto  
5 pilot on the MACKENZIE ROSE?

6 MR. RODGERS: Objection. He's not an  
7 expert.

8 You can testify if you know.

9 **A. I honestly don't know the purpose of it,**  
10 **besides holding course.**

11 Q. Can an auto pilot system adjust for  
12 changes in either river current or the drift of the  
13 barge or make course corrections on its own?

14 **A. I --**

15 MR. RODGERS: He's not -- again, he's  
16 not here as an expert, but he can testify as to  
17 his own understanding.

18 **A. I don't know. I've not come across**  
19 **that.**

20 Q. I'm sorry. You've not come across an  
21 auto pilot system that can do any of those things?

22 **A. That can course --**

23 Q. Correct.

24 **A. -- can change course on your own? No.**

25 **We -- in the tug and barge world, that's not a common**

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2 **thing.**

3 Q. Okay. So is it a common thing that the  
4 auto pilot, for whatever reason, will cause the  
5 rudders to go hard over?

6 MR. RODGERS: Objection.

7 **A. I've never -- I've never had that occur**  
8 **in my history of sailing.**

9 Q. You're talking about your own --

10 **A. Yes.**

11 Q. -- history of operating towing vessels,  
12 right?

13 **A. Yes.**

14 Q. Okay. So you never experienced that?

15 **A. No, sir.**

16 Q. So you would say it's not normal, in  
17 your experience?

18 MR. RODGERS: Well, he just--

19 **A. Correct.**

20 MR. RODGERS: His testimony was that he  
21 didn't experience it. Not normal to him.

22 **THE WITNESS: It's not normal to me,**  
23 **correct.**

24 MR. RODGERS: Is that fair?

25 **THE WITNESS: Yes.**

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2 MR. RODGERS: All right. Sorry. I  
3 don't want to put anything out there.

4 Q. Does safely transiting under bridges  
5 require any specific training beyond general vessel  
6 handling?

7 **A. No, sir.**

8 Q. So anyone that can handle a vessel  
9 shouldn't have any problem getting a vessel under a  
10 bridge?

11 **A. It all depends on the size of the bridge**  
12 **opening, but there's -- it's a common -- it's very**  
13 **common in the industry, so it's not an**  
14 **abnormal event.**

15 Q. Are you aware of any industry or best  
16 practices that recommend posting additional lookouts  
17 when transiting under bridges?

18 **A. No, sir, I'm not.**

19 Q. Is it consistent with good seamanship to  
20 rely on an auto pilot while approaching a bridge?

21 MR. RODGERS: Objection. He's not here  
22 as an expert witness.

23 **A. It's up to the offshore and the watch**  
24 **and their judgment.**

25 Q. In your experience -- just talking about

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2 your experience -- have you transited bridges while  
3 on auto pilot?

4 MR. RODGERS: Objection.

5 **A. It's been a while. I would have to**  
6 **recall it, but I've used both auto pilots, enhanced**  
7 **steering in all different areas of the Atlantic**  
8 **seaboard.**

9 Q. And so you're saying that you actually  
10 have used auto pilot when transiting bridges?

11 MR. RODGERS: Objection.

12 **A. No, I -- not that I recall.**

13 Q. Has it ever been company policy while  
14 you have been general manager at Carver to require a  
15 dedicated lookout while transiting bridges?

16 **A. No, sir, not that I know of. Not that**  
17 **I'm aware of.**

18 Q. Would you expect a properly trained crew  
19 to avoid hitting a bridge or alliding a bridge?

20 MR. RODGERS: Objection. Objection.

21 It's 7:40 at night, and now you're just  
22 fishing. You're repeating the same question  
23 about auto pilot, which would be fine at ten  
24 o'clock in the morning, but I still have some  
25 questions.

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2 Q. So my question was would you expect a  
3 properly trained crew to avoid striking a stationary  
4 object like a bridge?

5 (DIR)

6 MR. RODGERS: Objection. That's  
7 harassing the witness.

8 Don't answer that.

9 **A. I've --**

10 MR. RODGERS: I said don't --

11 **A. Yeah, I would -- I --**

12 MR. RODGERS: Don't answer that. That  
13 means don't answer that. Nothing.

14 MR. CHAPMAN: So your --

15 MR. RODGERS: Directing the witness not  
16 to answer.

17 MR. CHAPMAN: So your instruction is not  
18 to answer?

19 MR. RODGERS: I'm directing the witness,  
20 yes, not to answer whether it's good policy to  
21 hit a bridge.

22 MR. CHAPMAN: So I don't have any  
23 further questions at this time. I'm reserving  
24 my right, as the judge provided, with respect to  
25 any documents that you guys produce within the

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2 timeframe he allowed at the hearing on Friday.

3 MR. RODGERS: Yeah, I -- that's fine. I  
4 just want to put on the record we'd like any  
5 followup to be virtual or here, or at least me  
6 and the witness here, if you want to Zoom from  
7 Norfolk, but we can work that out.

8 Are you going to put -- you didn't make  
9 any demands to counsel. Are you going to put  
10 the stuff in writing that you were asking him  
11 for, like soon?

12 MR. CHAPMAN: Yeah. I'll just --

13 MR. RODGERS: Or is Mackenzie going to  
14 do it?

15 MR. CHAPMAN: I think we've previously  
16 done that, but to the extent that --

17 MR. RODGERS: Oh, you think that --

18 MR. CHAPMAN: -- to the extent there's  
19 something else that came up in this deposition,  
20 yes --

21 MR. RODGERS: Okay.

22 MR. CHAPMAN: -- we will.

23 MR. NANAVATI: Again, this is Mark  
24 Nanavati. I tried to keep a list of things that  
25 came up during the deposition that I think might

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2 be new. I shot them to you, and we can talk  
3 about it and make sure I got it right and send  
4 it to them and see what we can get.

5 MR. RODGERS: I can't hear. What did he  
6 say?

7 MR. CHAPMAN: I think he was saying --

8 MR. NANAVATI: I said I put together a  
9 list of things --

10 MR. RODGERS: I don't know who that is.  
11 Who is that?

12 MR. CHAPMAN: Nanavati.

13 MR. RODGERS: Oh, Mark. Okay. What is  
14 he saying?

15 MR. NANAVATI: You guys were talking  
16 about documents that may have come up during the  
17 deposition. I tried to make a list during the  
18 course. I said I'll send them to Jim so we can  
19 review them and get that list to you.

20 MR. RODGERS: Okay. Thanks.

21 All right. I just have some follow-up  
22 questions.

**23 THE WITNESS: Okay.**

24 MR. RODGERS: Only should take two  
25 hours. No. You're not laughing.

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2 EXAMINATION BY MR. RODGERS:

3 Q. So if you could just go to -- let me  
4 find the exhibit number. For example, Exhibit 13.

5 **A. Okay.**

6 Q. So if you look at Exhibit 13, which is  
7 Carver 79 to 82, that last document, the typewritten  
8 state -- what appears to be a typewritten statement  
9 on Carver letterhead, had you seen that before today?

10 **A. The letterhead or the statement?**

11 Q. No, the statement.

12 **A. No, I don't recall seeing these.**

13 Q. Okay. Other than what your attorneys --

14 **A. Right, correct.**

15 Q. -- you hadn't seen it before?

16 **A. No, sir.**

17 Q. Okay. But on the handwritten one, did  
18 you recall seeing it at the time of the  
19 investigation?

20 **A. Yes.**

21 Q. Okay. All right. If you go to  
22 Exhibit 30 and 31.

23 **A. Okay.**

24 Q. So Mr. Chapman went over these two.  
25 We're not sure if they're connected, but they may be.



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2 So I'm asking you to the extent that these two are  
3 connected.

4 There's a daily log, April 1st, right?

5 A. Yes, sir.

6 Q. And at 9:34, it says 9.2 Near Miss  
7 Report.

8 Do you see?

9 A. Yes, sir.

10 Q. And that was before Ayers came on board  
11 to do their work, correct?

12 A. Yes, sir.

13 Q. Okay. And then just assuming for this  
14 deposition that Exhibit 30, a near miss report which  
15 has a receipt date I guess by you, 4/19/2024, right?

16 A. Yes, sir.

17 Q. Assuming that that relates back to 4/1,  
18 April 1st, if you look at 1.1, Near Miss Subject, it  
19 says Loss of satellite compass. Right?

20 A. Yes, sir.

21 Q. It doesn't say failure of auto pilot,  
22 does it?

23 A. No.

24 Q. And the same with description of near  
25 miss, it says Satellite compass failed causing the

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2 auto pilot to go into standby and hard right to heavy  
3 seas. Correct?

4 A. Yes, sir.

5 Q. Now, in the other ones you were shown  
6 the near miss reports, there were some where it had a  
7 subject area of 1.1 that stated auto pilot failure,  
8 right?

9 A. Yes, sir.

10 Q. So would you assume that in the one  
11 that's Exhibit 30, if there was an auto pilot  
12 failure, it would say that in the 1.1 section?

13 MR. CHAPMAN: Object to form.

14 Q. You can answer.

15 A. Yes, it would be stated.

16 Q. Okay. And it's not, right?

17 MR. CHAPMAN: Objection.

18 A. No. Well, it would -- this one says  
19 loss of satellite compass.

20 Q. But notwithstanding that, in -- a few  
21 days later, April 3rd, 4th and 5th, you brought in  
22 Ayers, right?

23 A. Yes, sir.

24 Q. Okay. So I just want to go to Ayers'  
25 invoices, which are Exhibit 24.

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2 **A. Okay. 24.**

3 Q. If you go to the second -- it's Bates  
4 stamp -- Carver Bates stamp 249 and 250, right?

5 You see that?

6 **A. Where am I looking at?**

7 Q. Over here. Sorry, these numbers.

8 Those --

9 **A. Oh. Yes, sir. Yeah. Sorry, there it**  
10 **is.**

11 Q. Those are just for the lawyers,  
12 actually, but they're both Exhibit 24.

13 If you go to the second page which seems  
14 to reflect a work order for April 10th and  
15 April 11th.

16 Do you see that on the left side?

17 **A. Yes, sir.**

18 Q. Okay. And if I'm reading it correctly,  
19 it says Updated software and auto pilot.

20 Do you see that?

21 **A. Yes.**

22 Q. And it replaced solid state relays with  
23 mechanical ones, right?

24 **A. Yes.**

25 Q. And then the technician says May have

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2 caused the -- caused issue. Right?

3 A. Yes.

4 Q. Was it your understanding, after Ayers  
5 put in the new software and worked on the auto pilot  
6 system on the MACKENZIE ROSE in April, that they had  
7 fixed the problem?

8 A. Yes, sir.

9 MR. CHAPMAN: Object to the form.

10 Q. Okay. And if you could go to 26 and 27.

11 A. Okay.

12 Q. 27 is the daily log for the MACKENZIE  
13 ROSE on May 3rd, 2024, correct?

14 A. Yes, sir.

15 Q. And if you go to the second page -- and  
16 just for the lawyers, it's -- and the reporter, it's  
17 Carver 30 through Carver 32 is Exhibit 27.

18 If you go to the second page at 12:35,  
19 it says 9.2 Near Miss Report. Correct?

20 A. Yes, sir.

21 Q. Now again, assuming 26, Exhibit 26,  
22 which is Carver 41 and 42, assuming that that is the  
23 near miss report for April -- for -- excuse me, for  
24 April -- May 3rd, I'm going to ask you a few  
25 questions. Okay?

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2 **A. Okay.**

3 Q. And again, we're just assuming that  
4 Exhibit 26 is for the April -- the May 3rd date,  
5 right?

6 **A. Yes, sir.**

7 Q. Now, if you go to 1.1, could you read  
8 both columns.

9 **A. Lost steering rudder, hard over.**

10 Q. And to the left, what does it say?

11 **A. Oh. To the left of that is near miss**  
12 **subject.**

13 Q. Okay. Is there anywhere in 1.1 that it  
14 says failure of auto pilot?

15 **A. No, sir.**

16 Q. Okay. Can you read the description of  
17 1.5.

18 **A. Yeah. Description of Near Miss. While**  
19 **transiting southbound, the captain was entering --**

20 MR. RODGERS: You got to go a little  
21 slower for the reporter.

22 **A. -- was entering information into the**  
23 **electronic log, when the steering went into standby**  
24 **and the rudder came hard over without alarm.**

25 By the time the captain realized the

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2 situation, we were steaming full ahead at the loaded  
3 barge.

4 The captain pulled back power so that  
5 the rudder would respond, and it came away from the  
6 barge within a few feet to spare.

7 The wire dragged on the bottom and  
8 sustained minimal damage.

9 Q. Okay. Is there anything in that  
10 paragraph that refers to the auto pilot?

11 A. No, sir.

12 Q. Okay. And then Actions Taken to Prevent  
13 Repeat of Incident, 1.6, could you read that.

14 A. Stand a diligent watch, be aware of  
15 system failures without alarms, keep equipment in  
16 work -- proper working order.

17 Q. Okay. Is there anything in that  
18 paragraph that mentions auto pilot?

19 A. No, sir.

20 Q. Okay. Thank you.

21 MR. RODGERS: Now, I think that might be  
22 it, but give me a second.

23 Okay. I have no further questions.

24 Thank you.

25 THE WITNESS: Okay. Very well.

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2 MR. RODGERS: Jim?

3 MR. CHAPMAN: No, other than as stated  
4 before, reserve our rights.

5 MR. RODGERS: Mark?

6 MR. NANAVATI: No, I'm good.

7 THE VIDEOGRAPHER: This is the end of  
8 the video deposition of Brian Moore. The time  
9 is 7:53 p.m.

10 (Time noted: 7:53 p.m.)

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1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK )

4 ) ss:

5 COUNTY OF WESTCHESTER )

6

7

8 I, LORRAINE B. ABATE, a Certified Shorthand  
9 Reporter and Notary Public of the State of New York  
10 and Registered Professional Reporter, do hereby  
11 certify the foregoing to be a true and accurate  
12 transcript of my original stenographic notes taken of  
13 Brian Moore at the time and place hereinbefore set  
14 forth.

15 I further certify that I am not related, by  
16 blood or marriage, to any of the parties in this  
17 matter and that I am in no way interested in the  
18 outcome of this matter.

19

20 Dated: May 9, 2025

21

22

23

24

25

*Lorraine B. Abate*

LORRAINE B. ABATE, CSR, RPR  
License No. 000965



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**BRIAN MOORE****April 28, 2025****Zoom**

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## REPORT of MARINE CASUALTY, COMMERCIAL DIVING CASUALTY, or OCS-RELATED CASUALTY

## Section I - Reporting Vessel/Facility Information

1. Vessel or Facility Name MACKENZIE ROSE		2. Vessel Official Number or IMO Number 1098224		3. Vessel Flag USA	
4. Vessel Length 96 <input checked="" type="checkbox"/> Feet <input type="checkbox"/> Meters		5. Vessel Gross Tons 157		6. Vessel Propulsion Type DIESEL	
7. Vessel or Facility Type TOWING VESSEL		8. Vessel or Facility Service or Occupation TOWING VESSEL			
9. FOR TOWING ONLY	9a. Arrangement: <input checked="" type="checkbox"/> Pushing Ahead <input type="checkbox"/> Towing Astern <input type="checkbox"/> Towing Alongside	9b. Number of Vessels Towed: Empty _____ Loaded 1 _____ Total _____	9c. Maximum Size of Tow/Tow-Boat(s): Length 296 feet Width 50 feet		9d. Did one or more of the barges in the tow cause or sustain damage in the marine casualty? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If Yes complete and attach one or more CG-2692A forms to this report)

## Section II - Reason for Submitting this Report (Check all that apply)

10. The above vessel was involved in a Marine Casualty consisting in (46 CFR 4.05-1 and 4.05-10):

- ☒ 1. Unintended grounding or an unintended strike of (allision with) a bridge  
☐ 2. Intended grounding or intended strike of a bridge that created a hazard to navigation, the environment or the safety of the vessel, or that meets any of the criteria in 3 through 8 below  
☐ 3. Loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel  
☐ 4. Occurrence materially and adversely affected the vessel's seaworthiness or fitness for service or route  
☐ 5. Loss of life  
☐ 6. Injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties  
☐ 7. Occurrence causing property damage in excess of \$75,000  
☐ 8. Occurrence involving significant harm to the environment

11. The above facility or vessel was involved in a Commercial Diving Casualty involving (46 CFR 197.484):

- ☐ 1. Loss of life  
☐ 2. Diving-related injury to any person causing incapacitation for more than 72 hours  
☐ 3. Diving-related injury to any person requiring hospitalization for more than 24 hours

12. The above facility or vessel was involved in an OCS Facility Casualty Resulting in (33 CFR 146.30 and 146.35):

- ☐ 1. Death  
☐ 2. Injury to 5 or more persons in a single incident  
☐ 3. Injury causing any person to be incapacitated for more than 72 hours  
☐ 4. OCS Facility only - Damage affecting the usefulness of primary lifesaving or firefighting equipment  
☐ 5. OCS Facility only - Damage to the facility exceeding \$25,000 resulting from a collision by a vessel with the facility  
☐ 6. OCS Facility only - Damage to a floating OCS facility exceeding \$25,000

EXHIBIT

tabbies

19  
4/28/25 LR

## Section III - Associated Parties Information (Fill all fields that apply)

13. Name of Owner COEYMANS MARINE TOWING LLC		Telephone 518-355-6034		14. Name of Operator or Manager COEYMANS MARINE TOWING LLC		Telephone 518-355-6034	
Address 2170 RIVER RD, COEYMANS, NY 12045		Email address BMOORE@CARVERCOMPANIES.COM		Address 2170 RIVER RD, COEYMANS, NY 12045		Email address BMOORE@CARVERCOMPANIES.COM	
15. Name of Master or Person-In-Charge (Last, First, Middle) CHRISTOPHER MILLER		Telephone 253-670-0769		16. Name of Agent (Last, First, Middle)		Telephone	
Address 601 4TH ST., NEWPORT, WA 99156		Email address CHRIS.MILLERTUGZ@GMAIL.COM		Address		Email address	
17. Name of Dive Supervisor (Last, First, Middle)		Telephone		18. Name of Pilot (Last, First, Middle)		Telephone	
Address		Email address		Address		Email address	

## Section IV - Casualty Information

19. Date/Time (local) of Occurrence 15 JUNE 2024 AT 1625		20. Location-Name of Body of Water or Waterway: Latitude: 36°48.6 SOUTHERN BRANCH, NORFOLK VA Longitude: 076°17.4 River Mile Marker: OR	
21. Property Damage Estimated Damage Cost(s) to: Vessel: \$ _____ Cargo: \$ _____ Facility: \$ _____ Other: \$ _____		Describe the Extent of Property Damage NORTH & PBL RAILROAD BRIDGE WAS OFFSET FROM ITS FOUNDATION	
22. Status of Involved Persons (If there are 1 or more injured, dead or missing persons complete and attach one or more CG-2692C forms to this Report) Total Number of Persons: On Board the Vessel: 5 Injured: 0 Dead: 0 Missing: 0			

23. Was This Casualty a Serious Marine Incident (SMI) as Defined in 46 CFR 4.03-2?

☒ Yes ☐ No ☐ Not at this Time, But is Likely to Become an SMI (If Yes or is Likely to Become an SMI complete/attach one or more CG-2692B forms to this report)

24a. Is there any evidence of alcohol or drug use by or intoxication of individuals directly involved in the casualty?

☐ Yes ☒ No (If Yes, identify those individuals for whom evidence has been obtained and specify the method to obtain such evidence in block 24c)

24b. Did any individual directly involved in a casualty refuse to submit to, or cooperate in, the administration of a timely chemical test, when directed by a law enforcement officer or by the marine employer?

☐ Yes ☒ No (If Yes, note the individual(s) who refused in block 24c)

24c. Individuals with evidence of drug or alcohol use, evidence of intoxication, or who refused to submit/cooperate in a timely chemical test (if more space is needed, continue in block 25c)

24d. Is there evidence that alcohol use contributed to this casualty?

☐ Yes ☒ No (If Yes, discuss in block 25b)

25. Nature and Circumstance of the Casualty:

25a. Activity or Operation Being Conducted at the Time of the Casualty:

THE TOWING VESSEL MACKENZIE ROSE WAS PUSHING THE DECK BARGE WEEKS 281, AHEAD IN PUSH GEAR. THEY WERE OUTBOUND THE NORFOLK SOUTHERN BRANCH FOR SEA. THE OFFICER ON WATCH, JAMES MORRISSEY, WAS IN AUTOPILOT AND DIDNT SWITCH OVER TO NON FOLLOW UP HAND STEERING BUT THOUGHT HE DID. THE VESSEL CONTINUED TO TRACK TO PORT AND BEFORE THE OOW WAS ABLE TO CORRECT IT AFTER SWITCHING TO NON FOLLOW UP, THE BOW OF THE BARGE MADE CONTACT WITH THE WESTERN SECTION OF BRIDGE.

25b. Description of the Casualty (casualty events and the conditions and actions that were believed to be causal factors as well as any hazards created as a result of the casualty. Attach additional sheets if necessary.):

THE OOW HAD FAILED TO PROPERLY SWITCH TO HAND STEERING AND ALSO GAVE MINIMAL ENGINE ORDERS AT FIRST IN ORDER TO PREVENT FURTHER HEADWAY OR COURSE CHANGE. THE OOW STATED THAT ONCE HE DID SWITCH TO HAND STEERING, HE GAVE A SLOW ASTERN AT FIRST AND THEN FULL ASTERN. ONCE CONTACT WAS MADE WITH THE BRIDGE STRUCTURE, THE VESSEL WAS BARELY MAKING HEADWAY AND BEGAN TO MAKE ASERTN WAY. THE OOW WAS BACKING INTO THE MAIN CHANNEL AND REGAINED CONTROL OF THE VESSEL.

25c. Any other comments, including with respect to use of or need for emergency response equipment:

## Section V - Person Making this Report

24. Name (PRINT) (Last, First, Middle)  
MOORE, BRIAN BERNT

25. Signature: Brian Moore

Digitally signed by Brian Moore  
Date: 2024.06.26 09:48:49 -04'00'26. Date  
06/25/202427. Title  
GENERAL MANAGER28. Address  
2170 RIVER RD, COEYMANS, NY 1204529. Telephone No.  
845-594-441030. Email  
BMOORE@CARVERCOMPANIES.COM

CARVER 000112

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The Coast Guard estimates that the average burden for this report is 1 hour. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (CG-INV), U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr Ave SE, Washington, DC 20593-7501 or Office of Management and Budget, Paperwork Reduction Project (1625-0001), Washington, DC 20503.

#### WHEN TO USE THIS FORM

1. This form satisfies the requirement for written reports of casualties and accidents found in the Code of Federal Regulations for vessels, commercial diving operations, and Outer Continental Shelf (OCS) facilities. Depending on the circumstances surrounding an incident, a written report may be required if it meets one or more of the conditions described in instructions 2 - 4.

2. **VESSLS.** If you are the owner, agent, master, operator, or person in charge of a vessel, other than a public vessel or an uninspected recreational or state-numbered vessel, you must submit a report if your vessel:

- A. is involved in a marine casualty or accident that occurs upon the navigable waters of the United States, its territories or possessions and meets any of the criteria in block 10, or
- B. is a United States vessel involved in a marine casualty or accident, wherever such casualty or accident occurs, that meets any of the criteria in block 10, or
- C. is a foreign vessel engaged in OCS activities as defined in 33 CFR 140.10 and is involved in a marine casualty or accident that meets any of the criteria in block 10, or
- D. is a foreign tank vessel operating in waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone (EEZ), which involves significant harm to the environment or material damage affecting the seaworthiness or efficiency of the vessel.

3. **DIVING.**

A. **Commercial Diving.** If you are the master or person in charge of a vessel or facility from which a commercial diving operation is conducted: (1) at any deepwater port or the safety zone thereof as defined in 33 CFR Part 150; (2) from any artificial island, installation, or other device on the Outer Continental Shelf (OCS) and the waters adjacent thereto as defined in 33 CFR Part 147 or otherwise related to activities on the OCS; (3) from any vessel required to have a certificate of inspection issued by the Coast Guard, including mobile offshore drilling units, regardless of their geographic location; or (4) from any vessel connected with a deepwater port or within the deepwater port safety zone or from any vessel engaged in activities related to the OCS, you must submit a report if there is a diving casualty meeting the criteria in block 11, except if the diving operation is:

- 1. performed solely for marine scientific research and development purposes by educational institutions,
- 2. performed solely for research and development for the advancement of diving equipment and technology, or
- 3. performed solely for search and rescue or related public safety purposes by or under the control of a governmental agency.

B. **All Other Diving.** Any occurrence of injury or loss of life to any person while diving from a vessel subject to instruction 2 and using underwater breathing apparatus must be reported under instruction 2.

4. **OUTER CONTINENTAL SHELF (OCS) FACILITIES.** If you are the owner, operator, or person in charge of an OCS facility engaged in OCS activities as defined in 33 CFR 140.10, you must submit a report if your facility is involved in a casualty or accident that meets any of the criteria in block 12.

#### COMPLETION OF THIS FORM

5. In accordance with 46 CFR §4.05-10, 46 CFR §197.486, and 33 CFR §146.35, this form shall be filled out as completely and accurately as possible. Please type or print clearly. Fill in all blanks that apply to the kind of accident that has occurred. If a block is not applicable, the abbreviation "NA" should be entered in that space. If the answer is unknown and cannot be obtained before the report has to be submitted (i.e. within 5 days of the accident), the abbreviation "UNK" should be entered in that block. If "NONE" is the correct response, enter it in the block.

6. Once completed, deliver, email, or fax this form within 5 days of the casualty to the Coast Guard Sector, Marine Safety Unit, or Activity nearest the location of the casualty or, if at sea, nearest the arrival port. <https://www.uscg.mil/Units/Organization/>

7. Tugs or towboats with tows under their control shall complete blocks 9a through 9d and, if one or more barges in their tow causes or sustains damage or meets any other reporting criteria, use the "Barge Addendum," CG-2692A to report information on the barge(s) involved.

8. If an incident involves multiple barges suffering or causing damage while moored or anchored (such as in a fleeting area), or breaking away from their moorage and causing or sustaining damage, enter the location of the moorage in Block 1 of the CG-2692 and complete the form except for blocks 2-8. Details for the barges will be entered on the CG-2692A. If a single barge is involved in a marine casualty while moored or anchored, it shall be documented as any other vessel using the CG-2692.

9. If the casualty meets the criteria for a serious marine incident as defined in 46 CFR §4.03, use the "Chemical Drug and Alcohol Testing Addendum," CG-2692B to report information on required drug and alcohol testing following a serious marine incident.

10. If one or more persons on the vessel or facility were injured, killed, or missing as a result of the casualty, use the "Personnel Casualty" Addendum," CG-2692C to report information on the extent of all personnel casualties.

11. For facilities and vessels engaged in OCS activities who are reporting a casualty in accordance with 33 CFR §146.35 or 33 CFR §146.303, use the "Involved Persons and Witnesses Addendum," CG-2692D to provide a list of all involved persons and witnesses to the casualty being reported. The CG-2692D may also be used to provide data on persons involved or witnessing a marine casualty or commercial diving casualty.

12. Block 20 - "Location": Always identify the body of water or waterway. Latitude and longitude to the nearest tenth of a minute should always be entered except in those rivers and waterways where a mile marker system is commonly used. In those cases, the mile number to the nearest tenth of a mile should be entered. If the latitude and longitude, or mile number, are unknown, reference to a known landmark or object (buoy, light, etc.) with distance and bearing to the object is permissible.

#### Privacy Act Notice

(CG-2692, CG-2692A, CG-2692B, CG-2692C and CG-2692D)

**Authority:** Title 46, United States Code (U.S.C.) §6301, Title 46, Code of Federal Regulations (CFR), Parts 4 and 197, and Title 33, CFR Part 146 authorizes the collection of this information. Specifically, 46 CFR §4.05-10 mandates that vessel owners, agents, masters, operators, or persons in charge file a written report of any marine casualty required to be reported under 46 CFR §4.05-1, 46 CFR §197.486 mandates that persons in charge of vessels or facilities file a report of any diving casualty required to be reported under 33 CFR §197.484, and 46 CFR §146.35 mandates that owners, operators, or persons in charge of an OCS facility or vessel engaged in OCS activities file a report of any OCS-related casualty required to be reported under 33 CFR §146.30. For marine casualties, diving casualties when the diving installation is on a vessel, and The written report must be provided on Form CG-2692 (Report of Marine Casualty, Commercial Diving Casualty, or OCS-Related Casualty) supplemented as necessary by appended Forms CG-2692A (Barge Addendum), CG-2692B (Chemical Drug and Alcohol Testing Addendum), CG-2692C (Personnel Casualty Addendum), and CG-2692D (Involved Persons and Witnesses Addendum). The forms may be used for diving casualties when the diving installation is on a facility or for OCS-related casualties that are not also marine casualties under 46 CFR Part 4.

**Purpose:** The Coast Guard uses this information in gathering facts to determine causes surrounding reportable marine casualties. This information assists in promoting the safety of life, property, and the protection of the marine environment through preventing the recurrence of accidents.

**Routine Uses:** Reportable marine casualty information is needed for Coast Guard investigations of vessel casualties involving injury, death, property damage, environmental damage and dangerous conditions and for preparation and submission of data reports mandated by Congress (see 46 U.S.C. 6301). Information gathered is also used to determine whether new or revised safety laws, regulations, and policies are necessary. Additionally, chemical testing information is needed to improve Coast Guard detection and reduction of drug use by mariners. The information contained on forms CG-2692, CG-2692A, CG-2692B, CG-2692C, and CG-2692D may be disclosed under the Freedom of Information Act (FOIA) in response to a written FOIA request.

**Disclosure:** Furnishing this information is mandatory per 46 CFR §4.05-10. Failure to furnish the requested information for occurrences that are reportable marine casualties, diving casualties, or OCS-related casualties may result in civil penalty sanctions as outlined in 33 CFR Part 1. Coast Guard credentialed mariners may be subject to administrative adjudication per 46 CFR Part 5 for reporting failures. Some of the casualty information collected on this form may be made available for public inspection; however, information collected is protected from use in civil litigation per 46 U.S.C. §6308. Personal privacy information will not be disclosed routinely. Social Security numbers are not mandated on this form.



**REPORT OF MANDATORY CHEMICAL TESTING FOLLOWING A SERIOUS MARINE INCIDENT  
INVOLVING VESSELS IN COMMERCIAL SERVICE**

Note: This form shall be used to report data on persons directly involved in a serious marine incident involving a vessel in commercial service and the mandatory chemical drug and alcohol testing.

**Section I - Reporting Vessel Information - Casualty Date/Time**

1. Vessel Name  
MACKENZIE ROSE

2. Vessel Official Number or IMO Number  
1098224

3. Date/Time (local) of Occurrence  
15 JUNE 2024 - 1630

**Section II - Reason for Submitting this Report (Check all that apply)**

4. The above vessel is in commercial service and was involved in a Serious Marine Incident that resulted in (46 CFR 4.03-2):

- ☐ One or more deaths
- ☐ An injury to a crewmember, passenger, or other person that requires professional medical treatment beyond first aid, and, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties
- ☐ Damage to property in excess of \$200,000
- ☐ Actual or constructive total loss of any vessel subject to inspection under 46 USC 3301
- ☐ Actual or constructive total loss of any self-propelled vessel, not subject to inspection under 46 USC 3301, of 100 gross tons or more
- ☐ A discharge of oil of 10,000 gallons or more into the navigable waters of the United States, as defined in 33 USC 1321
- ☐ A discharge of a reportable quantity of a hazardous substance into the navigable waters of the United States
- ☐ A release of a reportable quantity of a hazardous substance into the environment United States

**Section III - Personnel and Testing Information**

5. Individuals Directly Involved in Serious Marine Incident

5a. Name (Last, First, Middle)	5b. USCG Credentialed?	6a. Drug Test Urine Sample Provided Within 32 Hours?	6b. Alcohol Test Specimen Provided within 2 Hours?	6c. Type of Alcohol Test Specimen Provided	6d. Alcohol Test Results
MILLER, CHRISTOPHER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	N/A
MORRISEY, JAMES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	N/A
McGRATH, JASON	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	N/A
PORTER, SHARIF	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	N/A
MORRISEY, JARKERIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	N/A
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused	<input type="checkbox"/> Saliva <input type="checkbox"/> Blood <input type="checkbox"/> Breath	

7. Explanation of why test samples were not collected within required timeframes or not at all and/or why testing was not conducted (Required for each "No" checked in columns 6a or 6b)

IN THE INCIDENT IN QUESTION FROM 15 JUNE 2024, THERE WAS NO EVIDENCE OF LOSS OF PROPULSION, LOSS OF STEERING OR DAMAGE TO THE VESSEL AND ITS BARGE IN TOW. A DRUG AND ALCOHOL TEST WOULD ONLY BE ADMINISTERED IF THE ABOVE INCIDENTS OCCURED.

8. SAMHSA Accredited Laboratory Conducting Chemical Drug Tests

Name: N/A

Address: N/A

Telephone: N/A

Email: N/A

9. Laboratory or Individual Conducting Alcohol Tests

Name: N/A

Address: N/A

Telephone: N/A

Email: N/A

**Section IV - Person Making this Report**

10. Name (PRINT) (Last, First, Middle)  
BALDASSARE, LEONARD N

11. Signature  
LEONARD N BALDASSARE

Digitally signed by LEONARD N BALDASSARE  
Date: 2024.06.19 08:37:12 -04'00'

12. Date  
06/19/2024

13. Title  
PORT CAPTAIN

14. Address  
2581 RICHMOND TERRANCE, STATEN ISLAND, NY 10303

15. Telephone No.  
838-207-2960

16. Email  
LBALDASSARE@CARVERCOMPANIES.COM

CARVER 000114

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The Coast Guard estimates that the average burden for this report is 5 hours. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (CG-INV), U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr Ave SE, Washington, DC 20593-7501 or Office of Management and Budget, Paperwork Reduction Project (1625-0001), Washington, DC 20503

#### WHEN TO USE THIS FORM

1. This form, when submitted in conjunction with a CG-2692 or submitted alone, satisfies the requirement found in the Code of Federal Regulations for written reports of chemical drug and alcohol testing of individuals engaged or employed on board a commercial vessel who are identified as being directly involved in serious marine incidents consisting of one or more of the occurrences lists in block 4. Alcohol tests are to be conducted not later than 2 hours (unless there are safety concerns directly related to the casualty that need to be addressed by the individual(s)) and drug test specimens collected not later than 32 hours after a serious marine incident.

#### INDIVIDUAL DIRECTLY INVOLVED IN A SERIOUS MARINE INCIDENT

2. The term "individual Directly Involved in a Serious Marine Incident" means an individual whose order, action, or failure to act is determined to be, or cannot be ruled out as, a causative factor in the events leading to or causing a serious marine incident.

#### COMPLETION OF THIS FORM

3. In accordance with 46 CFR Subpart 4.06 this form shall be filled out as completely and accurately as possible. Please type or print clearly. Fill in all blanks that apply to the kind of accident that has occurred. If a block is not applicable, the abbreviation "NA" should be entered in that space. If the answer is unknown and cannot be obtained before the report has to be submitted (i.e. within 5 days of the accident), the abbreviation "UNK" should be entered in that block. If "NONE" is the correct response, enter it in the block.

4. If more than 10 individuals are directly involved in the Serious Marine Incident additional CG-2692Bs should be completed.

5. Once completed, deliver, email, or fax this form with a corresponding CG-2692 within 5 days of the casualty to the Coast Guard Sector, Marine Safety Unit, or Activity nearest the location of the casualty or, if at sea, nearest the arrival port. <https://www.uscg.mil/Units/Organization>

6. Upon receipt of a report of chemical test results. The marine employer shall submit a copy of the test results for each person listed in block 5a of this form to the Coast Guard Officer in Charge, Marine Inspection where the CG-2692B was submitted in accordance with 46 CFR §4.06-60(d).

7. Block 6d - Alcohol Test Result: When the alcohol test results are available, the alcohol concentration shall be expressed numerically in percent by weight (i.e. 0.04, 0.10, etc.); otherwise indicate positive for alcohol being present or negative for no alcohol present.

**NOTICE:** The information collected on this form is routinely available for public inspection. It is needed by the Coast Guard to carry out its responsibility to investigate marine casualties, to identify hazardous conditions or situations and to conduct statistical analysis. The information is used to determine whether new or revised safety initiatives are necessary for the protection of life or property in the marine environment.

CARVER 000115

**BARGE ADDENDUM**

Note: This form shall be used to report data on barges causing or sustaining damage in the marine casualty described on form CG-2692.  
 This form may only be used in addition to form CG-2692, never alone.

**Section I - Reporting Vessel/Facility Information - Casualty Date/Time**

1. Towing Vessel Name  
 MACKENZIE ROSE

2. Date/Time (local) of Occurrence  
 15 JUNE 2024- 1620

**Section II - Barge(s) Causing or Sustaining Damage**

3a. Barge Name  
 WEEKS 281

3b. Barge Official Number  
 1311242

3c. Barge Flag  
 USA

3d. Barge Length  
 200 ☒ feet ☐ meters

3e. Barge Gross Tons  
 192

3f. Load Condition  
☒ Loaded ☐ Empty

3g. Barge Class/Type  
 OCEAN GOING DECK BARGE

3h. Barge Service or Occupation  
 DECK BARGE

3i. Name of Barge Owner  
 WEEKS MARINE

3j. Name of Barge Agent  
 WEEKS MARINE

3k. Property Damage Estimated Damage Cost(s) to:  
 Barge: \$ 0  
 Cargo: \$ 0

Describe the Extent of Property Damage  
 DISPLACEMENT OF BELTLINE BRIDGE SUPPORT STRUCTURE

4a. Barge Name

4b. Barge Official Number

4c. Barge Flag

4d. Barge Length  
☐ feet ☐ meters

4e. Barge Gross Tons

4f. Load Condition  
☐ Loaded ☐ Empty

4g. Barge Class/Type

4h. Barge Service or Occupation

4i. Name of Barge Owner

4j. Name of Barge Agent

4k. Property Damage Estimated Damage Cost(s) to:  
 Barge: \$  
 Cargo: \$

Describe the Extent of Property Damage

5a. Barge Name

5b. Barge Official Number

5c. Barge Flag

5d. Barge Length  
☐ feet ☐ meters

5e. Barge Gross Tons

5f. Load Condition  
☐ Loaded ☐ Empty

5g. Barge Class/Type

5h. Barge Service or Occupation

5i. Name of Barge Owner

5j. Name of Barge Agent

5k. Property Damage Estimated Damage Cost(s) to:  
 Barge: \$  
 Cargo: \$

Describe the Extent of Property Damage

6a. Barge Name

6b. Barge Official Number

6c. Barge Flag

6d. Barge Length  
☐ feet ☐ meters

6e. Barge Gross Tons

6f. Load Condition  
☐ Loaded ☐ Empty

6g. Barge Class/Type

6h. Barge Service or Occupation

6i. Name of Barge Owner

6j. Name of Barge Agent

6k. Property Damage Estimated Damage Cost(s) to:  
 Barge: \$  
 Cargo: \$

Describe the Extent of Property Damage

CARVER 000116



An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The Coast Guard estimates that the average burden for this report is .5 hours. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (CG-INV), U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr Ave SE, Washington, DC 20593-7501 or Office of Management and Budget, Paperwork Reduction Project (1625-0001), Washington, DC 20503.

**WHEN TO USE THIS FORM**

1. This form, when submitted in conjunction with a CG-2692, satisfies the requirement for written reports of casualties and accidents found in the Code of Federal Regulations for vessels. Specifically, it provides information on one or more barges that cause or sustain damage as a result of their involvement in a reportable marine casualty. This form may only be used in addition to form CG-2692, never alone.
2. One or More Barges as Part of a Tow. This form shall be used to enter information on all barges that were part of the tow and that caused or sustained damage as a result of the marine casualty reported on the CG-2692.
3. Multiple Anchored or Moored Barges. This form shall be used to enter information on multiple barges that were moored or anchored (such as in a fleeting area) and either cause or sustained damage or broke away and caused or sustained damage during an incident that meets the criteria of a marine casualty required to be reported on a CG-2692.
4. This form should not be use if the incident involves only a single barge while moored or anchored. This type of incident shall be documented as any other vessel using the CG-2692.

**COMPLETION OF THIS FORM**

5. In accordance with 46 CFR §4.05-10 this form shall be filled out as completely and accurately as possible. Please type or print clearly. Fill in all blanks that apply to the kind of accident that has occurred. If a block is not applicable, the abbreviation "NA" should be entered in that space. If the answer is unknown and cannot be obtained before the report has to be submitted (i.e. within 5 days of the accident), the abbreviation "UNK" should be entered in that block. If "NONE" is the correct response, enter it in the block.
6. If more than 4 barges caused or sustained damage in the marine casualty additional CG-2692As should be completed necessary to enter the required information for all barges.
7. Once completed, deliver, email, or fax this form with a corresponding CG-2692 within 5 days of the casualty to the Coast Guard Sector, Marine Safety Unit, or Activity nearest the location of the casualty or, if at sea, nearest the arrival port. <https://www.uscg.mil/Units/Organization/>

**NOTICE:** The information collected on this form is routinely available for public inspection. It is needed by the Coast Guard to carry out its responsibility to investigate marine casualties, to identify hazardous conditions or situations and to conduct statistical analysis. The information is used to determine whether new or revised safety initiatives are necessary for the protection of life or property in the marine environment.